

Peace Building and Internally Displaced
Persons in Nepal

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Abstract

This thesis examines peacebuilding in Nepal. The term peacebuilding is crosscutting issue and multi-layered in nature. It implies that the transformation of society towards prosperity through the developmental process and it protects the society by preventing present and potential conflict in the future. Many African and some Asian countries are affected by violent conflict resulted mass people internally displaced. Nepal also affected from the violent conflict more than 10 years but it had ended after signing the Comprehensive Peace Accord between the conflicting parties in 2006. Government lunched various programmes to promote returning process of displaced people but few IDPs returned than expected.

From the international experience, returning procedure of IDPs can make attractive through removing the financial independence by securing livelihood for themselves and their dependants from production or gainful employment. Thus, economic integration of IDPs is the best way for peacebuilding but it is often difficult in the areas where unemployment is high, poor economic growth exists and the individuals in question do not have marketable skills.

Empowerment through the training and skill development and linked their resource and product to the market can provide livelihood, sustainable reintegration of IDPs and peacebuilding.

Key words: Conflict, Mass people internally displaced, Reintegration, Income assurance helps to return, Peacebuilding.

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Abbreviation

ADB	Asian Development Bank
BBC	British Broadcasting Corporation
CPA	Comprehensive Peace Accord
CPN, Maoist	Communist Party of Nepal, Maoist
CPN, UML	Communist Party of Nepal, Unified Marxist and Leninist
CSWC	Community study and welfare centre
FAO	Food and Agricultural Organization
GON	Government of Nepal
ICDC	Interim Constitution Drafting Committee
ICRC	International committee of Red Cross
IDMC	Internally Displaced Persons Monitoring Centre
IDPs	Internally Displaced Persons
INSEC	Informal Service Sector
IOM	International Organization for Migration
LTTE	Liberation Tigers of Tamil Elam
MILF	Moro Islamic liberation front
MOF	Ministry of Finance
MOPR	Ministry of Peace and Reconstruction
NCP	Nepali Congress Party
NGO	Non Governmental Organization
NHRC	National Human Rights Commission
NMCC	National Monitoring Committee on Code of Conduct of Cease Fire
NPC	National Planning Commission
NPTF	National Peace Trust Fund
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
RUPP	Rural Urban Partnership Program
SAARC	South Asian Association of Regional cooperation
SPA	Seven Political parties

UCC	United Coordination Committee
UN	United Nations
UNDP	United Nations Development Program
UNESCO Organization	United Nations Educational, scientific and cultural
UNICEF	United Nations International Children's Emergency Fund
USA	United State of America
WB	World Bank

CHAPTER ONE

INTRODUCTION

1.1 Peace building and Internally Displaced Persons in Nepal: Introductory Discussion

Peace can mean the presence of conditions for social justice and political equality, and that allow for constructive inter-group relationship. In addition, the notion refers to the absence of direct and physical violence also. The term peacebuilding indicates such activities which are directed towards prosperity and to make fearless society.

There are two distinct forms of peacebuilding. Long term peacebuilding represents promotion of peaceful future and it prevents the society from potential violent conflict. These might include sustainable economic development, self-sufficiency, equitable social structures that meet the human needs and building positive relationship. Post conflict peacebuilding measures the aim to prevent conflict from reemerging. Through the creation of mechanisms that enhance cooperation and dialogue among different identity groups, these measures can help parties manage their conflict of interests through peaceful means. This might include building institutions that provide procedures and mechanisms for effectively handling and resolving conflict. Thus it is the transformative endeavor from the prior achievement of a minimum standard of peace. Moreover, in post conflict society sustainable peace is possible by addressing the root causes of the conflict, repairing the damage relationship and minimizes the destructive efforts of social conflict and maximizes the potential personal growth. However, peacebuilding is a part of peace keeping operation but it is different from peacemaking and peacekeeping.

The term peacebuilding introduced by the United Nations (UN) Secretary-General (Boutros-Ghali), in “An Agenda for Peace”¹ and supplementary resolution “An Agenda for Development”². The concept of peacebuilding is now gaining widespread

¹ UN Resolution, An agenda for peace: preventive diplomacy peacemaking and peacekeeping. (UN, resolution No.47/120, 1992)

² UN Resolution An agenda for development. (UN, Resolution No. 50/60, 1995.)

acceptance in academic and political circles but the exact definition of the term 'peacebuilding' has remained unclear. It may be varied in different place and circumstances.

Especially in post conflict society, Internally Displaced Person (IDP) is widely accepted matter of peacebuilding. Thus, it is different from normal condition or regular action of peacebuilding. Socio-economic foundation, humanitarian intervention, repatriating refugees, protection of human rights and social reconciliation are the issues of peacebuilding in relation to internally displaced persons.

Moreover, United Nations Guiding Principles on Internal Displacement³ focused the relationship between IDP management and functions of peacebuilding. It Stated that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

Many African countries and some Asian countries are affected by violent conflict resulted mass displacement. In South Asian reasons, Afghanistan, Pakistan, India, Sri Lanka and Nepal faced the problem of IDPs⁴ .

In Nepal, the problem of IDPs was originated from armed conflict. In 1996, Nepal communist party, Maoist launched a "people's war" to overthrow the monarchy and establish a socialist republic. Initially, Maoists attacked in the mid-western region's the police, government institutions, landowners, and political opponents, and forced people associated with the monarchy to flee towards district headquarters. From 2001 the conflict escalated and a state of emergency was declared; there was a breakdown in education, commerce and public services in many areas and food security declined. By then, other poorer groups had fled from the fighting and forced recruitment by the Maoists. People started fleeing to district centre's, to large cities like Kathmandu,

³ UN, United Nations Guiding Principles on Internal Displacement (USA, UN, 1998,) p.3

⁴ UN, Internal Displacement Monitoring Centre, (UN, 2008,) pp.2-63

Biratnagar and Nepalgunj, and across the border to India. After signing of historic Comprehensive Peace Accord (CPA) between government and the Communist Party of Nepal (Maoist) in 21 November 2006, they declared formally the end of civil war⁵. Two years later, in April 2008, Nepal peacefully elected a Constituent Assembly, declared republic and formed new government tasked with completing the transition to a Federal Democratic Republic.

More than a decade of violent conflict resulted forcefully internally displacement of nearly 50,000 and others⁶. Numbers may increase because registration process is going on and those people who fled into India during the conflicting period have to return. Most of the IDPs are in the district headquarters or capital city, some of them are in a small room with their joint family, some are to their relatives and some are living in temperately shelters on road side or public areas. Out of them many conflict affected people flee to India by using open border. Now, armed conflict is ended. Both conflicting parties express their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice and to rehabilitate and socialize the displaced persons with due respect.

Nepal's peace negotiations and peace process has internally driven but UN agency assistance involved after the cease-fire. United Nations Mission in Nepal (UNMIN) had worked in monitoring aspect of arms and armies of both sides and Human rights in Nepal. Now UNMIN returned from mid of January 2011, but IDPs are still facing serious problems in their life.

Government incentives to facilitate returning⁷ IDPs to their homes have been implementing. Government provided transportation cost to return to their homes, home repairing subsidy and allowances for two months (daily Rs 60 per day for their personal expenses). The property belongs to IDPs has remained still in their birth place, but only few IDPs returned their previous place of residence. The fact is that internally displaced persons are compelled to spend traumatic lives with extreme

⁵MOPR, Comprehensive Peace Accord, (Kathmandu, MOPR, 2006)

⁶Displacement in Nepal, National Peace Trust Fund Secretariat, (Kathmandu, NPTF, 2009) p.11

⁷ MOPR , IDPs management program, (Kathmandu, 2007/08)

poverty. So management of internally displaced persons is one major agenda for Nepal.

CPA (2006) has mentioned the provision of rehabilitation of displaced persons. Relief and development programme has been launching to normalize the society and some institutional mechanism has been set up and working in relation to their scope of work for the management of IDPs. Peace Trust Fund has established for budgetary arrangement. In 2008, people displaced by the conflict started to return, although at a slower speed than during the previous year⁸. Why they have hesitation to return, even government provided returning packages to them? Many of those who had not returned home remained as IDPs because of the unresolved root cause of the displacement. While some people who had returned decided to leave again because they couldn't get any economic support after finishing government assistance. Resulted, only few IDPs utilized government incentive for return to their home, most of them are in existing displacement conditions.

IDPs faced a range of protection concerns. Those who had returned struggled to secure a livelihood and to access food, healthcare and education in areas affected by a decade of war. IDPs before returned, they were in host communities in the city areas and they had found seasonal and temporary work in low-paid labor-intensive jobs but after returning they lost that opportunity.

1.2 Research Statement

On the basis of above mentioned explanation, this study focuses on why internally displaced persons are not willing to return to their previous place of residence? In order to find the fact, it is assumed that internally displaced persons are not willing to return because there are no potential income opportunities to their previous place of residence. It is argued that IDPs in Nepal can return to their original place of residences when their income generation problem is solved.

⁸ NPTF, Displaced in nepal (Kathmandu, MOPR, 2009), p.11

1.3 Objective of the Study

This study has been done to find out the following objectives.

1. This study is to identify the reasons why IDPs are reluctant to return to their previous place of residence, as well as the drawbacks and gaps in IDP management and to provide some possible suggestions to overcome the identified problems.
2. Peacebuilding is a cross cutting issue and internally displacement issue is a crucial issue in post conflict society. Different approaches have been introduced in different countries but there is no fixed prescribed model for different socio-economic and cultural situations. Therefore, this research has been done to find the major problems and possible solutions of IDP management.
3. Lack of permanent sources of income is major problem in post conflict society. In Nepal some IDPs are getting temporary (not often) employment opportunities in the city areas which is not available in their previous place of residences. This difference led for non returning position. So focus of the study is in this area.
4. It is generally known that different measures had adopted in different countries for IDP management but there is no any fixed model for all countries. This research provides some ideas about the appropriate model of IDPs management in Nepal.
5. Finally, this research helps to generate some new ideas in rehabilitation of IDPs elsewhere in the world. So it will be base line information for further research.

1.4 Research Methodology

This research has followed following methods.

1. Qualitative and descriptive method has used in this study.
2. Data and literature is collected by using different mechanisms (secondary sources).
3. This research is based on IDP policy implementation measures. Thus, both policy and implemented programme are analyzed to find out the gaps between policy and programs and implementation tools like as programs, actors, resources, institutions

mechanisms and some other environmental influencing factors used to analyze the effectiveness of current programmes.

4. Situation analysis has done to find out the problem faced by IDPs. Some failure cases of other reasons like as integrated security and development model and shelters are analyzed to prove purposed argument.
5. Case studies of Sri Lankan rehabilitation programme conducted by IOM, FAO and other agencies in Sri Lanka (during the ceasefire period of 2008 and Tsunami period), has analyzed to find out the effective programme for returning IDPs. Because there are some similarities both Sri Lanka and Nepal in religion, conflict affected society, development level, political Institutions and both are the members of SAARC country.

This study and argument is proved logically on the basis of the research findings.

1.5 Limitations of Research

This study has been done only to fulfill the requirement of Master Degree of History. So it doesn't assume first hand collected data with the IDPs people's opinion by using sampling methods. This study is based on the secondary sources. Available books and journal relating to this topic are used. Therefore, some part of the study might be weak. All the data's and events since 1995 to 2006 (from conflicting period to signing CPA) are analyzed. Especially this research is based in reintegration phases of IDPs in Nepal. Thus cases and literature are studied only this area. However, some IDPs returned their home by using immediate relief but due to time and resource barrier it is neglected to know that they are satisfying or not. So my concerned is only those IDPs who did not use provided facility and still seeking income opportunities. The idea about income generation may be varied according to time and space, but due to absence of detail information of one particular area, it has described in general, but some highly IDPs density areas are selected to analysis scenario and environment.

1.6 Organization of the Study

The thesis is divided into six major chapters. Chapter one is introduction, which provides a general outline of the thesis. Chapter two deals with the overview of peacebuilding and Internally Displaced Persons (IDPs) . Chapter three deals with literature review of peacebuilding and internally displaced persons which mainly focus on Nepal. Chapter four explains the analytical part of the thesis. In this part, it deals with how the case of IDPs is emerged, what the impacts are, why it became unsolved issue in Nepal. In addition, it shows comparative study between Nepal and Sri Lanka and some successful case of IDP management in Sri Lanka. Chapter Five describes the problem encountered in IDPs management in Nepal while chapter six provides some possible recommendations for IDP management in Nepal. Finally, there is a conclusion at the end of the thesis.

CHAPTER TWO

OVERVIEW OF PEACEBUILDING

2.1 General Overview of Peacebuilding

The term “peace” means absence of direct, physical violence (negative peace) and the presence of certain conditions (positive peace) for social justice and political equality that allow for constructive inter-group relationship. Peace and conflict are relative terms which indicate the social transformation and economic prosperity of the nation.

Peacebuilding is related with the strength of the sustainable peace. It focuses on addressing structural issues, grievances of the past and long term relationships between parties or groups in conflict, in order to strengthen negative peace and develop positive peace. The distinction between a numbers of peace-related concepts, defined by UN General Secretary Boutris-Ghali⁹, is helpful in beginning to define the parameters of peacebuilding. Peace starts from preventative diplomacy which seeks to resolve disputes before violence breaks out; peacemaking and peacekeeping are required to halt conflicts and preserve peace once it is obtained. If successful, they strengthen the opportunity for post-conflict peacebuilding, which can prevent the recurrence of violence among nations and peoples. So, post conflict peacebuilding refers to those conditions that will enhance the transition from a state of conflict to coexistence and thus contribute to sustainable peace.

On the other hand, many non-governmental organizations NGOs¹⁰ understand that peacebuilding as an umbrella concept that encompasses not only long-term transformative efforts, but also peacemaking and peacekeeping. In this view, peacebuilding includes early warning and response efforts, violence prevention, advocacy work, civilian and military peacekeeping, military intervention,

⁹ UN Resolution, An agenda for peace: preventive diplomacy peacemaking and peacekeeping. (UN, Resolution No.47/120, 1992)

¹⁰ A. Halafoff, Civic integration for religious community leaders new to Australia,(Australia, 2006.) pp.5-9,

humanitarian assistance, ceasefire agreements, and the establishment of peace zones. Similarly, United Nations (UN) document "An Agenda for Peace" demonstrated that long-term peacebuilding consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. It is a long-term process that occurs after violent conflict has slowed down or come to a halt. It is the phase of the peace process that takes place after peacemaking and peacekeeping. Long term peacebuilding derives the society towards prosperity, equitable society and self reliance.

The term peacebuilding is different from peacemaking and peacekeeping. Michelle Maiese¹¹ stated that peacemaking is the diplomatic effort to end the violence between the conflicting parties, move them towards nonviolent dialogue, and eventually reaches a peace agreement. Peacekeeping, on the other hand, is a third-party intervention (often, but not always done by military forces) to assist parties in transitioning from violent conflict to peace by separating the fighting parties and keeping them apart. Latest example of peacekeeping is in Sri Lanka, where government used its armed power to maintain peace by dominating the armed insurgents.

From the above discussion, all the initiations in post conflict, during the conflict or regular effort towards prosperity cover the sense of peacebuilding. But if we analyzed only for IDP perspectives, the process of peacebuilding starts during the conflict to long-term peace and prosperity of the nation.

2.2 Concept of Peacebuilding

2.2.1 Meaning and Definition of Peacebuilding

It is generally agreed that the central task of peacebuilding is to create positive peace, a stable social equilibrium in which the surfacing of new disputes does not escalate into violence and war. Sustainable peace is characterized by the absence of physical and structural violence, the elimination of discrimination, and self-sustainability.

¹¹. Michelle Maiese . Peacebuilding: what it means to build a Lasting Peace: beyond intractability. (online,2003)p.1

Moving towards this sort of environment goes beyond problem solving or conflict management. Peacebuilding initiatives try to fix the core problems that underlie the conflict and change the patterns of interaction of the involved parties. The aim to move a given population from a condition of extreme vulnerability and dependency to self-sufficiency is for well being of the people.

While defining the peacebuilding it will be better to know the relationship between peacekeeping and peacemaking. Doyle Michael and Nicholas Sambanis¹² defined that peacebuilding aims high on the spectrum of peace and depends on the prior achievement of a minimum standard of peace. In other words, peacekeeping is critical for better peacebuilding. Good peacekeeping supports the norms and standards of peacebuilding. By contrast, failed peacekeeping can have the opposite effect and making peacebuilding impossible.

The gist of the UNESCO press report towards a culture of peace gave more emphasis in social integration for peacebuilding. It focused to build religious bridges between people and strengthen the intellectual, cultural and communication linkages in the society. Thus promoting the social integration through the people's participation is a culture of peace¹³.

The United Nations community has developed four different concepts that express the evolving idea of what is involved in peacebuilding. The first concept comes directly from the 1992 Agenda for Peace – it is post-conflict peacebuilding, it becomes necessary when preventive diplomacy fails to resolve conflict and after peacemaking and peacekeeping have established the framework for a negotiated settlement and monitored an agreed cease-fire. Peacebuilding activities then “identify and support structures which intend to strengthen and solidify peace”. The second concept underlying UN peacebuilding strategy involves “long-term political, economic and social provisions to address the root causes of a conflict”. The third concept defining the character of peacebuilding is its interdependent quality and the consequent importance of coordination. Peacemaking, peacekeeping, and peacebuilding are not

¹² Doyle Michael and Nicholas Sambanis ,Building Peace: Challenges and Strategies (Washington, World bank,1999) p.5

¹³ UNSECO,General Assembly: Fifty First sessions , (online,1995)

separate activities. They are either mutually supportive or they are mutually corrosive. The fourth concept is the “circle of preventive peacebuilding”. The culminating purpose of peacebuilding activities is “that they are to insure against and to prevent a relapse into a violent conflict”. All societies have conflicts. Peacebuilding is not designed to eliminate conflict from society but to build capacities for labor negotiation, civil society reconciliation, fair courts, and an electoral process that enable a society to resolve its conflicts before violence breaks out. The UN and the international communities is the midwife of a long term process of conflict resolution. Perhaps the most significant measure of the success of post-conflict peacebuilding is thus creating the capacities that ensure that successful conflict resolution will take place again. In effect, peacebuilding is the front line of conflict prevention.

The Institute for Multi-Track Diplomacy¹⁴ has written that “there are three broad types of peacebuilding: a. Political peacebuilding is about agreement and legal issues, and includes formal negotiations, diplomacy etc. b. Structural peacebuilding is about infrastructures and includes building economic, military, social and cultural systems that support a culture of peace through activities such as voter education, disarming warring parties, police training, building schools and good governance. C. Social peacebuilding is about relationships and includes dealing with feelings, attitudes, opinions, beliefs, and values through dialogue processes, community-building activities and training”.

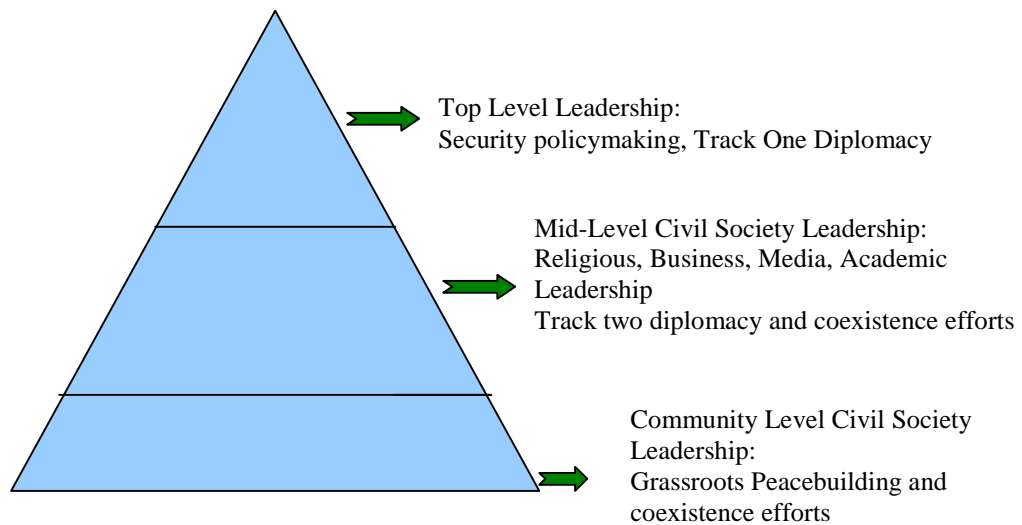
Who is Involved?

Lisa Schirch¹⁵ defined peacebuilding from the involvements perspectives .She says “For UN scholars and many government representatives, peacebuilding is still a high-level process engaging elites in formal capacity-building, negotiations, and other programs. For many in the NGO world, peacebuilding is a more complex undertaking, requiring multiple processes at all levels of society and including grassroots, mid-level, and elite-level actors”. She introduced a well-known pyramid model by emphasizing the need to reach all levels of society through peacebuilding processes.

¹⁴ L.Schirch, , Strategic Peacebuilding (South Asian Journal, 2008) p.5

¹⁵ Ibid p.13

Figure 1: Peacebuilding Pyramid



Source: Schirch, 2008:13

Normally all the people of the society will affect from the conflict but its affect varies in different layers of socio-economic statues. Thus different measures should adopt in the peacebuilding process.

When we discussed the current Nepalese context; 12-Point Understandings, which was held between seven political parties and Nepal Communist Party Maoist(NCPM), on 22 November, 2005 for restoration of democracy is the fundamental basis of peacebuilding. It was made to establish peace by resolving the 10 years old armed conflict through a forward - looking political outlet. It focused the concept of full democracy through a forward - looking restructuring of the state to resolve the problems related to class, cast, gender, region and so on of all sectors including the political, economic, social and cultural, by bringing the autocratic monarchy to an end and establishing full democracy. It tried to find out the root causes of conflict and solve it by using short term to long term manner. Prof. Surya Subedi added that Comprehensive Peace Accord (CPA) has known peacebuilding policy of Nepal.¹⁶

From the above definitions, peacebuilding is a process that facilitates the establishment of durable peace and tries to prevent the recurrence of violence by

¹⁶ S. Subedi, Post conflict constitutional settlement (Kathmandu, 2007)p.1

addressing root causes and effects of conflict through reconciliation, institution building, and political as well as economic transformation. This consists of a set of physical, social, and structural initiatives that are often an integral part of post-conflict reconstruction and rehabilitation.

In short, parties must replace the spiral of violence and destruction with a spiral of peace and development, and create an environment conducive to self-sustaining and durable peace. The creation of such an environment has three central dimensions: addressing the underlying causes of conflict (root causes of the conflict), repairing damaged relationships (reducing the effects of war-related hostility through the repair and transformation of damaged relationships) and dealing with psychological trauma (minimized the destructive effects of social conflict, and maximized its potential for personal growth) at the individual level. Each of these dimensions indicates the real meaning of peacebuilding. In addition each dimension requires the different techniques and mechanisms to handle the operation of peacebuilding. Thus, post conflict peace- building and long-term peacebuilding are correlated to each others.

2.2.2 Meaning and Definition of Internally Displaced Persons

There is no legal definition for IDP likes as refugee, but in general, if persons or groups of persons in similar circumstances are displaced from his /her former place of residence without having to cross the internationally recognized border of his/her home country, it is known as the internal displacement. In other word, Internally Displaced Persons (IDPs) are those groups of persons who have fled their places of habitual residence but haven't crossed the internationally recognized border. ¹⁷UN Guiding principle defined on that IDPs are those persons or groups of persons who have been forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

¹⁷ UN, General assembly opens high-level debate on international migration: hearing call for urgent solutions to plight of migrants. Sixty-first General Assembly, High-level meeting on migration . (UN,2006)

In this context, various national and international human rights laws as well as humanitarian laws have protected the right of voluntary displacement. The displacement, however, is not often voluntary in nature. That's the reason the guiding principle related to the displacement speaks off about its prohibition. Under certain circumstances, nonetheless, the decision of displacement rests upon the causes related to the armed conflict, violation of human rights, natural and human-made disaster. Thus, the UN Guiding principle with regard to the internal displacement has shown following three reasons for displacement¹⁸.

1. Armed conflict, General violence, and Violation of human rights: displaced due to loot and arson, property destruction, brutal atrocities, fear of killing or kidnapping of kin, forceful recruitment in army, communal riots, political uprising etc.
2. Natural disaster: displaced due to the loss of properties due to the natural disaster such as landslide, flood, earthquake and fire.
3. Developmental activities: displaced due to the loss of properties acquired by the state in the name of the developmental activities and due to the hardships the persons have to undergo with in commensurate compensation at that point of time.

In the Nepalese contest, it has own IDPs policy. According to national policies on internally displaced persons¹⁹, "Internally Displaced Person" means "a person who is living somewhere else in the country after having forced to flee or leave one's home or place of habitual residence due to armed conflict or situation of violence or gross violation of human rights or natural disaster or human made disaster and situation or with an intention of avoiding the effects of such situations". In the same way, "Person or family displaced by conflict" means "a person or a family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights".

From the above definitions, it is known that if people forcefully fled from their regular habited place to another part of the country to save their life, property and future, they are internationally displaced persons.

¹⁸ UN, General assembly opens high-level debate on international migration: Sixty-first General Assembly, High-level meeting on migration (UN, 2006)

¹⁹MOPR, National policies on internally displaced persons (Kathmandu,MOPR,2007) p.4

However, it is difficult to identify the IDPs but according to National IDPs policy²⁰ internally displaced persons shall be identified on the following basis:

1. One who is displaced due to seizure of house and land or physical property by any of the parties involved in conflicts or due to having the same destructed in cross-fire during armed conflict or violence; or
2. One who is displaced due to fear, intimidation, threat, or physical or mental torture or personal insecurity by any of the parties involved in conflicts; or
3. One who is displaced due to emergence of problems of livelihood whether or not having the ways or means of livelihood destructed owing to armed conflict or violence; or
4. One who is displaced due to emergence of situations of gross violation of human rights; or
5. Displaced after having neglected in the society owing to social ill-practices or superstitions.

By comparing it to UN Guideline principle, Nepalese IDPs policy widely covers the IDPs. Generally, it is understood that a person becomes internally displaced when s/he is forced or obliged to flee or to leave his or her home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of any kinds of violence, violations of human rights or human-made disasters, but remains within her or his country of origin.

It has to be noted that the IDPs and refugees are different. Refugees by definition have crossed international borders to seek a safe haven, most often they are fleeing conflict, and have suffered violations of their human rights. Refugees are eligible for international protection and assistance under the mandate of the United Nations High Commissioner for Refugees (UNHCR). Internally displaced persons may suffer systematic violations of their human rights, conflict, ethnic or religious oppression, but remain within the borders of their own country and have no institutional or legal mechanism for receiving international assistance. They remain under the jurisdiction, and responsibility, of their governments. The system responsible for upholding the

²⁰ MOPR, National IDPs policy (Kathmandu, MOPR, 2007) pp.27- 28

rights of IDPs may also be the system responsible for their displacement and the violations against their rights.

2.3 Relation between Peacebuilding and IDPs

Internal displacement disrupts the lives not only of the individuals and families concerned but of whole communities and societies. Both the areas left behind by the displaced and the areas to which they flee can suffer extensive damage. Conflict and displacement also spill over into neighboring countries. Clearly, both humanitarian and geo-political reasons prompted UN Pre Secretary-General Kofi Annan's call to the international community to strengthen support for national efforts to assist and protect internally displaced persons.

2.3.1 Link between Displacement and Peacebuilding

There is no separate definition in relation to IDPs and peacebuilding but from the identified UN peacebuilding areas, socio-economic foundation, humanitarian intervention, repatriating refugees, protection of human rights and reconciliation are directly related with internally displaced persons and peacebuilding.

Resolving internal displacement and achieving durable solutions is enormously linked with achieving lasting peace. But finding durable solutions for IDPs is extremely difficult where peace agreements disregard displacement-specific issues, because internally displaced persons have particular vulnerabilities not encountered by other civilians affected by conflict or by refugees. Thus the focus on IDPs' rights and needs should be mentioned in peace agreements.

Walter Kalin²¹, in his human rights of internally displaced persons stated that in the result of a conflict, if militias in areas of origin are not disarmed, or if landmines have not been removed, IDPs will be unwilling to return, or they may be displaced again after return as a result of insecurity. If the IDPs are unable to recover their land or property, or if property-related disputes are not adequately addressed, large scale return is unlikely or could inadvertently provoke new tensions. If reconstruction and economic rehabilitation remain insufficient to enable the displaced to resume

²¹ Walter Kalin, Settlement on the Human Rights 2007: Settlement on the Human Right (New York, UN, 2007) P.70

livelihoods, settlement or return will not be sustainable. And if impunity for those responsible for displacement prevails, and rule of law, including accountability for past crimes, is not established the prospects for reconciliation between the displaced and those responsible for their displacement diminishes. It also underlines the necessity to mainstream these issues into peacebuilding activities.

Successful return and reintegration of displaced persons is often considered a key indicator of the success of a peace process. Internally displaced persons want to be heard in peace negotiations that are crucial for their future.

Protection of internally displaced persons ultimately entails ensuring durable solutions to their displacement including, but not limited to voluntary return to places of origin. Three durable solutions can be distinguished: return to the place of origin, local integration in the areas in which internally displaced persons initially took refuge, and settlement in another part of the country. Displacement ends when one of these durable solutions occurs and IDPs no longer have needs specifically related to their displacement. The end of displacement, however, does not occur suddenly. It is a process through which the need for specialized assistance and protection diminishes progressively. But in every step of such opinions needs peacebuilding.

Experience of Colombia proves that sustainable peace cannot be achieved unless and until the displacement of some three million displaced Colombians is brought to an end. Yet ending displacement depends on establishing peace and security in the country. Even while people are still being displaced, peacebuilding is challenge. IDPs participation is required not only developing and implementing mechanisms in rehabilitation and transitional justice but also in decisions about humanitarian assistance and durable solutions of the displacement, which are foundation of peacebuilding²². From the experience of Congo, five priorities for peacebuilding has focused in the eastern Congo: 1) a credible and comprehensive disarmament strategy for dealing with Rwandan Hutu rebels in both North and South Kivu; 2) Resuming security system reform with a new focus on building capacity and accountability in the Kivus as well as Orientale province; 3) A specific plan for fostering reconciliation and human security that concentrates on judicial accountability and the requirements

²² Ferris Elizabeth, International Displacement and Peacebuilding (online, 2009)

of refugee and IDP return and reintegration; 4) political engagement dedicated to improving governance through increased economic transparency, equitable taxation, decentralization and local elections; and 5) continuing efforts to sustain stable regional relations. From the five Priority IDPs return and reintegration is in top three, which proves IDPs is the matter of peacebuilding with top priority²³.

2.3.2 Peace and IDPs in Nepal

The above defined peacebuilding demonstrated that peacekeeping operation covers peace making, peacekeeping and peacebuilding activities but if we analyzed the Nepalese peace road map or peacebuilding plan (CPA), it has followed the way of conflict prevention to state building.

The table below provides a helpful point of departure for an overview of how the five different approaches are played out in practice. It also provides the relationship among the peace process and IDP management. We have chosen to look at the five "phases" in terms of the problem that needs to be addressed, the actors who can perform the intervention, the tasks that need to be carried out, and the target group of those actions. By using functional rather than theoretical definitions, theory and practice are brought closer together. Following chart shows the whole peace process and place of IDP management in Nepal.

Table1: Functions and Relations of various Terms of Peace

Phase	Problem	Actors	Task	Target
Conflict Prevention	Rising tensions, polarization, Militarization and background for IDP may create	External/Internal: International Organizations (IOs), NGOs, Governments	Prevent escalation	Potential opponents, Political instigators, Leadership/Elite
Peacemaking	Perceived incompatibility of interest, People may start to move as IDPs	External/Impartial: Mediators, IOs, Foreign governments	Facilitate negotiation, Mediate differences, Attain agreement, Protection of IDPs	Leadership/Elite All potential IDPs

²³ International crisis group, Africa Report (USA, ICJ, 2009) pp.24-26

Peacekeeping	Destructive violence, IDPs may be vulnerabilities	External: Int'l & regional organizations, Military organizations, Foreign governments	Monitor ceasefires, Separate & demobilize parties, Enforce peace Protection of IDPs	Fighters, Conflicting parties, Militants IDPs Women ,children and old age people put in the camp
Peacebuilding	Negative attitudes, Socio-economic problems, Trauma IDPs return	External/Internal: IOs, NGOs, Governments	Reconcile population, Rebuild trust & confidence, Develop economic opportunities Create to returning environment	Local & national government, NGOs, Civil Society, Grassroots, Livelihood and other economic and social opportunities for IDPs .
State building	Weak political institutions, Devastated Economy	External/Internal: Int'l & regional organizations, NGOs, Governments	Restructure political & civil institutions, (Re)build civil & economic infrastructure	Leadership/Elite, Political parties, Civil society, NGOs

Inside the peace roadmap, by asking what is being performed, why it is being performed, who is performing it and who it targets, the distinction between the five different concepts becomes more logical. Even if an attempt at conflict prevention usually takes place prior to rebuilding war-shattered institutions (State building), one perspective does not prevent the other, and frequently they need to interact. Whereas peacekeeping missions target the warriors and are generally performed by peacekeeping forces, peacemaking is diplomatic and focuses on the political elite. Peacebuilding, which is a multipurpose task, is often performed by governments, local or regional Non-Governmental Organizations (NGOs), such as religious or civic groups. It is concerned with healing and reconciliation and primarily targets the grassroots level of society. State building deals with restructuring society's institutions, requiring close cooperation with the governing elite. After signing comprehensive peace accord, Nepal has been entering post conflict peacebuilding stage. Every stages of peace process IDPs should keep at top priority. From the above mentioned arguments and experience, it is clear that internally displaced persons and their management is a vital issue of peacebuilding.

The relation between the peacebuilding and management of internally displacement persons can show in three major dimensions²⁴. The structural dimension is main dimension which focuses on the social conditions that foster violent conflict. Stable peace must be built on social, economic, and political foundations that serve the needs of the populace. In many cases, crises arise out of systemic roots. These root causes are typically complex, but include skewed land distribution, environmental degradation and unequal political representation. If these social problems are not addressed, there is no IDP management and lasting peace.

In addition, second integral part of peacebuilding is reducing the effects of war-related hostility through the repair and transformation of damaged relationships. It centers on reconciliation, forgiveness, trust building and future imagining. It seeks to minimize poorly functioning communication and maximize mutual understanding. In this case, the relation between host community and IDPs and victims and perpetrators takes place vital role.

Finally, the personal dimension of peacebuilding centers on desired changes at the individual level. If individuals are not able to undergo a process of healing, there will be broader social, political, and economic repercussions. The destructive effects of social conflict must be minimized and its potential personal growth must be maximized. Reconstruction (Both Social and physical) and peacebuilding efforts must prioritize treating mental health problems and integrate these efforts into peace plans and rehabilitation efforts. IDPs are also victims of Conflict. Thus; they are matter of peacebuilding in post conflict society.

2.4 Overview of Peacebuilding and IDPs

Peacebuilding has been a crosscutting issue, which indicates goal of civilization throughout history. In the recent efforts towards it, the nation-states of the world community looked toward cooperation through the United Nations (UN) to spread peace. As conflicts throughout the world continue to erupt, the UN has created and continues to develop various instruments for peacebuilding. While there are thousands of local, national and international organizations working to build peace. Normally,

²⁴ Maiese Michelle, Displacement and Peacebuilding (online,2003)

all the NGOs and peace related organizations are working in following six major areas as peacebuilding, (1) De-militarization of combatants; (2) electoral assistance; (3) re-establishing rule of law; (4) reconstruction of civil society; (5) economic assistance; and (6) return of refugees and internally displaced persons. Thus the issue of internally displaced persons is a crucial issue of peacebuilding²⁵.

Not only conflict, development projects can cause internal displacement. Poor, indigenous and marginalized groups are frequently displaced without consultation to make way for Grand National projects. Not only are the rights of such people ignored, they are rarely offered resettlement or adequate compensation. World Bank stated that 10 million people are forcibly displaced by development projects each year, prompting the bank and other donors to set standards for the treatment of the 'involuntarily resettled'²⁶. Sometimes, mountains and rivers impede flight across borders, or people may flee to other parts of their own country to remain in relatively familiar surroundings. Some natural disasters like Tsunami in Asia and Katrina in US are the example of such displacement.

Though displacement has many causes, it is those uprooted by conflict and human rights violations that generally arouse the most concern. Thus, the statistics on internally displaced persons generally count only those who are displaced by conflict and persecution²⁷. It stated that a large number of displaced people from various countries were accounted since early 1980s. The major causes of displacement were the fear of armed conflict, apprehension and the incidents of violation of human rights. It is continued the preceding years. Since the end of the Cold War, the number of people uprooted by conflict, ethnic strife and human rights violations has been rising.

Year 2008, is the celebration of the tenth anniversary of the UN Guiding principles on internal displacement. According to the report of Internal Displacement Monitoring Centre, when first counted in 1982, only 1.2 million people were IDPs in 11 countries.

²⁵UNHCR, State of the world's refugees: internally displaced Persons. (United Nations: New York, 2006)p. 7

²⁶Chris, A. M. The UN and the resolution of conflict in Mozambique: *The Journal of Modern African Studies* (Cambridge University Press, 1995) pp.103-128

²⁷ Internal Displacement Monitoring Centre IDMC, Guideline for IDPS management (IDMC,2008) pp.2

By 1995, there were an estimated 20 to 25 million in more than 40 countries, almost twice as many as refugees. The trend of increasing IDPs is continuing. Most forced internal displacement in the last decade was caused by internal armed conflicts rather than international or internationalized conflicts. This trend continued in 2008. IDMC focused that the number of people internally displaced by conflict, generalized violence or human rights violations across the world stood at approximately 26 million, the same figure as in 2007²⁸.

2.4.1 Facts and Figures about IDPs

According to Internal Displacement Global Overview of 2008, 4.6 million people were forced to flee their homes as a result of new outbreaks of conflict and violence in 24 of the 52 countries monitored. Of these, ten countries had large-scale new displacements of 200,000 people or more. The figure of 4.6 million people newly displaced in 2008 represented an increase of 900,000 compared to the same total in 2007²⁹. Following figure shows the current picture of IDPs.

Table2: Facts and Figures of IDPs

Number of people internally displaced by conflict or violence as of December 2008	26 million
Number of countries covered by this report	52
Most affected continent	Africa (11.6 million IDPs in 19 countries)
Region with largest relative change in number of IDPs in 2008	South and South-East Asia (with 13 per cent increase from the end of 2007)
Number of countries with new or ongoing conflicts or violence which generated internal displacement in 2008	24
Number of countries with a significant proportion of IDPs living in protracted displacement	At least 35
Countries with at least 200,000 people newly displaced in 2008 (in order of scale)	Philippines, Sudan, Kenya, Democratic Republic of the Congo (DRC), Iraq, Pakistan, Somalia, Colombia, Sri Lanka and India
Countries with at least 80,000 people returning during 2008 (in order of scale)	DRC, Uganda, Sudan, Kenya, Philippines, Iraq, Sri Lanka, Georgia, Yemen, Côte d'Ivoire, Central African Republic (CAR) and Timor-Leste
Number of countries in which internally displaced children were recruited into armed forces or groups	At least 13

²⁸ Internal Displacement Monitoring Centre, Guiding Principles on Internal Displacement (IDMC, 2008), pp.17

²⁹ Ibid, pp.24

Number of countries in which internally displaced women and children were exposed to rape, sexual exploitation and gender based violence	At least 18
Number of countries in which IDPs were still exposed to violence in the area of refuge, although they fled to escape violence	At least 26
Number of governments denying the forced displacement of ethnic minorities	At least 36
Countries denying situations of internal displacement caused by conflict, generalized violence or human rights violations	Ethiopia, Indonesia (in Papua), Israel (including in OPT), Myanmar, Sudan (Darfur), Turkmenistan, Uzbekistan, Zimbabwe
Number of countries where the absence of a political settlement or peace agreement was a main obstacle to durable solutions	21
Number of countries with legislation or policies specifically addressing internal displacement	14
Number of countries with conflict-induced IDPs with a UN Humanitarian Coordinator (HC) at the end of 2008	24 (out of 27 complex emergencies)

Source: The Internal Displacement Monitoring Centre, 2008:8

2.4.2 Countries with most IDPs at end of 2008

Three countries had a significantly larger internally displaced population than any others: Sudan, Colombia and Iraq together accounted for 45 per cent of the world's internally displaced people.

Table3: Countries with most IDPs at end of 2008

Country	Number of IDPs
Sudan	4,900,000
Colombia	2,650,000 – 4,360,000
Iraq	2,840,000
DRC (Congo)	1,400,000
Somalia	1,300,000

Source: Internal Displacement Global Overview, 2008:13

2.4.3 Countries with most IDPs as a Percentage of their Population

When looking at the proportion of IDPs out of the total national population, two types of situations emerged: the very large IDP populations in Somalia, Sudan, Iraq and Colombia made up at least ten percent of the entire population of each country. A number of smaller countries also had relatively large IDP situations in terms of

population percentage, notably including Cyprus, Azerbaijan, Georgia, Zimbabwe and Lebanon.

Table 4: Countries with most IDPs as a Percentage of their Population

S.N.	Country	Number of IDPs in %	S.N.	country	Number of IDPs in %
1	Cyprus	23%	6	Zimbabwe	4.2% – 7.4%
2	Somalia	13%	7	Azerbaijan	6.7% – 7.1%
3	Sudan	12.4%	8	Georgia	5.7% – 6.3%
4	Iraq	9.6%	9	Lebanon	2% – 9%
5	Colombia	5.7% – 9.3%			

Source: Internal Displacement Global Overview, 2008:13

2.4.4 Displacement by Region

At the end of 2008, the number of IDPs in Africa was the lowest recorded in this decade, at 11.6 million. This represented an enormously positive development for a region that has always had a larger number of IDPs than any other. Three out of five of the world's largest internal displacement situations are found in the region, and Africa still hosts 45 percent of the world's IDPs, but compared to the region's total population the ratio of IDPs has fallen. There were no new issues for conflicts in Africa causing displacement in 2008, but several ongoing conflicts caused new forced displacement close to two million people in Africa were newly displaced during the year .

Table 5: Displacement by Region

Region	Countries	Change IDPs from 2007 in %
Africa	19	-9%
Americas	4	+7%
Middle East	6	+11%
South and South-East Asia	10	+13%
Europe and Central Asia	13	0%
Total.	52	0

Source: Internal Displacement Global Overview, 2008:14

2.4.5 Displacements and Returns

2.6 Million People in 18 countries were reported to have returned, slightly fewer than the 2.7 million in 2007. Large-scale returns of 200,000 people or more were reported in five countries: Uganda, The Democratic Republic of the Congo (DRC), Sudan, Kenya and Philippines. All of these countries except Uganda are also among the countries which experienced new large-scale displacements. The largest reported return movement in relation to the size of the displaced population took place in Timor-Leste, where the IDP figure fell by two-thirds in 2008.

In total, new displacement occurred in 24 of the 52 countries monitored and reported on by IDMC. Of these, ten countries had large-scale new displacements of at least 200,000 people (see the table). Of these, only the displacement in Kenya and in India (two situations) followed new outbreak of violence; in Georgia (South Ossetia) it was the first time that Russia was a direct party to the conflict. The other new displacements related to causes that had been ongoing before 2008.

Table 6: Country New Displacement in 2008

S.N.	Region Countries	Number of IDPs	S.N.	Region Countries	Number of IDPs
1	Philippines	600,000	6	Pakistan	Over 310,000
2	Sudan	550,000	7	Somalia	300,000
3	Kenya	500,000	8	Colombia	270,000
4	DRC	At least 400,000	9	Sri Lanka	230,000
5	Iraq	360,000	10	India Over	220,000

Source: Internal Displacement Global Overview, 2008:14

South and South-East Asia was more affected by internal displacement in 2008 than in previous years, and as a region had an internally displaced population which grew by 13 per cent during 2008 to reach 3.5 million. New displacement was particularly significant in the Philippines where 600,000 people fled an upsurge in fighting between the government and the Moro Islamic Liberation front (MILF), and in Pakistan where over 310,000 people were forced from their homes due to fighting between the government and armed groups. The majority of the 530,000 or so people

who reportedly returned in South and South-East Asia did so after a relatively short period of displacement. In the Philippines 250,000 people returned within a few weeks or months of their displacement. In Sri Lanka, an estimated 230,000 people were displaced as the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) and an estimated 126,000 people displaced since 2006 managed to return to areas no longer affected by conflict. Only in Timor-Leste was return linked to peacebuilding and overall national progress in tackling the displacement situation. In Nepal, nearly 70,000 were displaced up to 2008 and some of them return but new ethnic conflict in Tarai area started and new group came to join as IDPs .Thus there is no significant change in the number of IDPS.

It is not easy to profile a forcibly-displaced population. It is often difficult to determine who is or is not an IDP, and whether people who were displaced have ceased to be so. However the suspected outstanding needs of “hidden” IDPs call for more effort in this regard. Although camp settings may offer easier opportunities for regular provision of assistance, the majority of IDPs are not in camp-like situations where registration is a normal practice. In more than half of the displacement situations monitored in 2008 , IDPs were dispersed, having in many cases found refuge with host communities either in rural or urban areas. The relatively low visibility of these groups meant that most received limited or no support from government agencies or local or international organizations.

Government had the primary responsibility for internally displaced people. In addition UN agencies, INGOs and local NGOs, private sector were involved in protection and peacebuilding activities. The cluster approach and inter agency coordination approach were adopted. Internally displaced people are not in a homogeneous group. They have specific vulnerabilities, needs, and coping strategies based, among other things, on their sex, age and membership of a social or ethnic group. Accordingly, different members of a displaced population need a differentiated response if the protection or assistance they receive is to be effective.

2.4.6 Protraction and Displacement

From the above mentioned table 2, some 35 countries have a significant number of IDPs living in protracted situations, where the search for durable solutions to their dilemma was stalled or they continued to be marginalized as a result of their displacement. It is difficult to isolate the number of IDPs in protracted situations as protracted and new displacement can be ongoing at the same time in one country. Governments continued to promote return as the preferred durable solution for IDPs, over local integration and settlement to another area. In half the countries monitored, return was the only solution actively supported by national authorities.

The obstacles to durable solutions which IDPs in protracted situations most frequently face include lack of access to livelihoods, inadequate housing and the inability to enjoy their homes and land. Property reinstatement and compensation mechanisms are essential for activating the durable solutions process as IDPs thereby gain the means to improve their lives. They may return to their homes and land, or use compensation or the income earned from selling or renting their homes and land to integrate locally or resettle elsewhere. In almost half the countries surveyed, there was a lack of information about whether IDPs had found durable solutions. In protracted internal displacement situations, governments and international agencies should better monitor the process of attaining durable solutions, to identify and address the obstacles to return, local integration and resettlement.

2.4.7 Response

There was considerable progress in the recognition by governments of the guiding principles on internal displacement and in the development of national legal instruments based on them. By the end of 2008, a total of 14 countries had adopted such national legislation, and 11 countries of the Great lakes region in Africa had adopted the first binding multilateral instrument in the world aimed at implementing the Guiding Principles³⁰. Despite such positive developments, many of these governments were not fulfilling their national responsibility towards IDPs.

³⁰ Internal Displacement Monitoring Centre, management of displaced persons (IDMC, 2008) pp.17-33

The humanitarian reform process has had significant impact at country level in strengthening leadership, predictability, response capacity, coordination and accountability of the international humanitarian response. Nevertheless, in 2008, IDPs' right to security and life saving assistance continued to be under threat in a number of countries including Afghanistan, Colombia, DRC, Iraq, Myanmar, the Philippines and Sudan. In these countries, their basic needs were not met by governments, and humanitarian agencies were unable to operate effectively due to insecurity and limited access.

CHAPTER THREE

PEACEBUILDING AND IDPS IN NEPAL

3.1 Historical Development of Conflict and Origin of IDPs in Nepal

Nepal had known to outsiders as a peaceful Shangri-La and the world's only Hindu monarchy, suffered more than a decade of violent conflict which resulted in the death of more than 15,000 people disappearance around 1000 people and displacement of nearly 70,000 others³¹. The gun has finally fallen by signing comprehensive peace accord in November 2006, which has described as Nepali owned peace process by UN Secretary General in his recent report to the UN Security Council on Nepal³².

A new constitution creating a constitutional monarchy and a bicameral legislature became effective on November 9, 1990 largely in response to popular demand for democratization through the mass movement known as *Janandolan*. First, jointly led by Nepali congress party and united left front. Multiparty legislative elections were held in May 1991 and formed elected government as well as recognized opposition party in the parliament but inability of the government and consequent failures of elected leaders to deliver the basic needs and other economic opportunities created frustration to the people. At the same time in 1996, Nepal communist Party, Maoist (NCPM) submitted 40 points demand to the government, related with people's livelihood, Nationality and Democracy but government did not response on time, which led to the violent conflict³³. Upreti focused that historically rooted caste system and the problem of elite hierarchical structures as a socio-cultural foundation also helped to increase Maoist insurgency, which gradually developed into a bitter extended conflict. Nearly, 73 districts out of 75 were affected by the fighting between the government security force and the forces of the Communist Party of Nepal (NCPM) over the past decade.

³¹ Nepal Peace Fund, management of IDPs (Kathmandu, NPTF 2009), p.19.

³² Subedi, S Post-conflict constitutional settlement in Nepal and the role of the United Nations (online, 2007), p .1.

³³ Bishnu Upreti, Conflict and reconstruction (Kathmandu, n.d.) p.4 .

3.1.1 Causes of Conflict

Nepal had undergone transformative crisis in the last one and half decade. Since restoration of democracy in 1990, the high expectation of the political party to control government and the expectation of the people for prosperity and high life style within the shortest possible time have created instability in politics and the government resulting in to a weak and ineffective government structure and service delivery. The increase in the level of corruption laid by politician at the government further destabilized the government and the poor delivery of benefit to the common mass causes disillusion among the people towards the political system and governance which derived a decade long armed conflict³⁴. Thus, there is a not only political cause but socio-economic and geo-political factors affected for the conflict. Some major reasons are followings.

3.1.1.1 Geographical Disparity

Maoist armed movement was originated from Mid Western Regions remote areas which has been suffering from widespread poverty, disparity in resource distribution and structural inequality, injustice and discrimination have heavily fuelled the Maoists conflict. Hence, the Maoist insurgency was first started from Mid-Western Region (Rolpa, Rukum, Salyan and Jajarkot). Since then their influence had spread across the country. Thus, Geographical barrier and its linkage with poverty was a cause for conflict.

3.1.1.2 Social Exclusion and Acute Inequalities

Absolute poverty, lack of access to resources and failure of political structures to address these issues made the Nepalese society extremely vulnerable to conflict and mass movements like the Maoists' 'people's war. Deep rooted social cleavages in terms of caste, ethnicity, gender and regional, cultural, linguistic and religious forms of discrimination provided fertile ground to escalate the conflict³⁵. Poor performance of political structure and process, highly unsatisfactory democratic transition of the 1990, spring awakening the expectations regarding the transformation of the state, politics and the society. Dominance of certain groups (e.g., Brahmin, Chhetri and

³⁴P Lugal, Impact of conflict on public policy in Nepal(Kathmandu, n d), pp. 6-10

³⁵M. Lawoti, continuous policies in democratizing Nepal (Kathmandu, 1995). p.9.

Newar) in all social, political and economic sectors promoted feeling of injustice and revenge as lower caste people strongly believe that they have been excluded from opportunities and resources. Maoists tactically utilized this feeling. The emergence of ethnic interest groups, awareness on social exclusion and ethnic inequalities were inherited causes.

A notable characteristic of Maoist insurgency is the degree of participation of women. Even many women are in guerrilla ranks. Previously women's participation in political sphere was limited to electoral candidacy to meet the minimal constitutional condition by the political parties. But the Maoist insurgency surprisingly attracted large number of Nepalese women to join arm rebellion. It is estimated that about 30% of Maoist guerrillas comprise of women³⁶. After this event government opened women recruitment in its armed forced.

In addition, Maoist utilized unemployed rural youth by giving political employment in his armed force and with in party. While UNMIN verified at first, nearly 31,000 were Maoist army but latter they verified 19,602, still they are living in the cantonment under the supervision of special committee³⁷. Thus, unemployment was a cause of conflict.

3.1.1.3 Political Ideology and Power Struggle in Political Parties

In his work on Evolution and escalation of the Maoist conflict in Nepal, Upreti stated that there was a strong ideological dimension in this conflict. The CPM Maoist was following the Mao's ideology and strategy. The Maoists perceived that the deep-rooted oppression coupled with the feudalistic mode of production relations and unequal power structures, monarchy and the capitalistic democratic system are the problems and the communism is the solution. This is playing a mighty background role in emergence and escalation of conflict. In contrary, the government, the ruling party and the main opposition party believed on multi-party democracy and constitutional monarchy. These two seemingly opposite ideologies were leading to ideological conflict between warring parties.

³⁶ G. Tiwari, Hidden voices : the family biogram for families (Kathmandu, 2001)

³⁷ UNMIN, Arms monitoring, UN Security council, resolution 1740 (New York, UN, 2009) p.1.

Moreover, the conflict was escalating with armed force but it was based on political ideology. The conflict was an outcome of the failure of the political parties and their successive governments to govern the country according to the democratic ideals and the constitutional provisions detailed in the Constitution of Nepal 1990. The Maoists found the failure of governance as a mighty ground to undertake armed rebellion and started the insurgency in 1996. The explicit aim of Maoists was to control state power and civil society.

3.1.2 Rise of Conflict

The armed conflict was started since 1996 but it was taken as a matter of law and order until 2001 and government utilized only police against CPNM armed force. In 2001, CPNM attacked armed barrack in Dang district and government utilize its armed force against CPNM. After this event conflict became extensive and wide spread.

In addition, massacréd of royal family was another main cause for rising conflict. In 1 June, 2001, there was a small party in a royal palace, except Gyanendra younger brother of late king Birendra, all the royal families were presented. Unfortunately the crown prince (Dipendra) of Nepal running amok with an assault rifle and killing his father (king), his mother (Queen) and many other close Royal family members. The palace reported that Dipendra was very intoxicated and angered at that time because his parents had ignorance his marriage proposal with his lover, Devyani Rana. So he opened the fire and killed all his family members and suicide himself. After that murder case the political scenario has changed, Gyanendra (the younger brother of late king Birendra) became new king and formed an investigation committee headed by chief justice(Keshav Upadhyaya). That committee declared the crown prince (Dipendra) was responsible for shooting dead his father, the late King Birendra, and eight other royals³⁸. However officially declared that the crown prince was responsible for that incident but general people did not believe that fact and made different concepts, most of them blamed Parash (who was son of latest king Gyanendra) for that killing. Whomever that killer but the Monarchy system and royal family lost confidence of the people forever. This event brought deep gloomy for constitutional parties who believed constitution Monarchy system and it was golden opportunity for Maoist to win peoples confidence against King. However this event

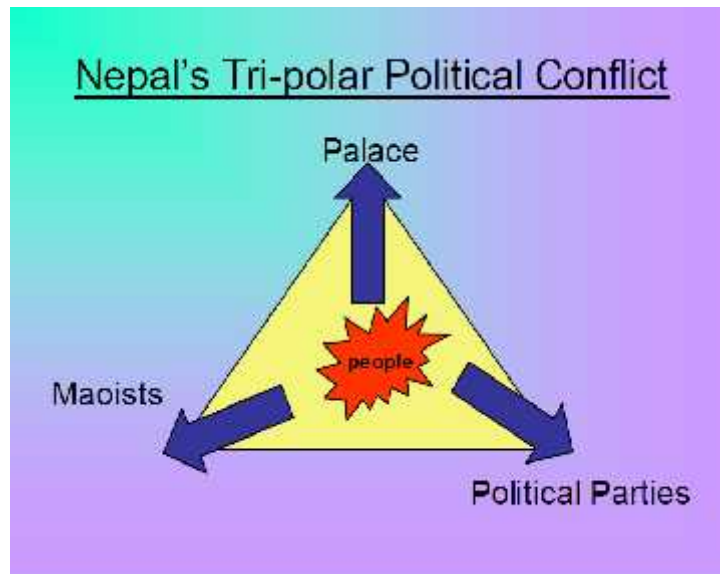
³⁸ International Forum: Royal Incidence (Kathmandu, International Forum,2001)p.26

was not the cause of insurgency but it helped to reduce the reliance of the Monarchy system.

Moreover, the power struggle within the ruling Nepali Congress Party in 2002, resulted into the dissolution of the parliament and the breakdown of the NC Party. Recommendation to the King for dissolution of the parliament by the Prime Minister Deuba without getting approval from his party fuelled the conflict within the constitutional parties. This situation further helped the Maoists. The King dissolved the parliament through the recommendation of Prime Minister and declared the date election of the Parliament for 13 Nov, 2002. After some weeks the Maoists declared the national strike on the Election Day. The government ultimately declared its inability to accomplish the election. The failure of the government to accomplish the parliamentary election in November put country into constitutional crisis. This development had violated the constitutional provision of compulsorily holding the Parliamentary election within 6 months of its dissolution. When Deuba recommended the Kings to postpone the election for 14 months the King sacked him saying he is incapable and resumed the executive power. The King asked them to send their representative to form a new government, but they did not send their representative, and did not cooperate with king. After 7 days the King formed a care taker government³⁹. The action of the King was severely criticized by the political parties and they started movement against the King. From this event, King became the target of both constitutional monarch party and Maoist also. Maoist got success to bring constitutional party against the king. The nature of conflict became Tri- polar like as following.

³⁹ R.K Sharma, Changing Realities (online,n.d) pp.3-6

Figure 2: Nepal's Tri-polar Political Conflict



Source: Sharma, n.d:4

When conflict was escalated, common people affected and density of internally displaced people increased rapidly.

After sacking the Deuba government, seven political parties protested peacefully and Maoist continued armed movement against the Kings rule. On 22 November, 2005, The SPA and Maoist signed a 12-Point Understandings for people's movement and restoration of democracy. It was held in New Delhi, India⁴⁰. SPA declared a non-violent joint people's movement and the Maoist support that peaceful movement. That event was the turning point of Nepalese politics; for Maoist, it was a chance to shift their armed movement to peaceful manner and it became a starting point of ending monarchy.

3.1.3 Resolving Efforts

From the 19 days long blocking under mass protests in 2006, King Gyanendra' transferred all executive power of the state to a government constituted by the alliance of the seven political parties, which had been in the forefront of the movement by the people for the restoration of multi-party democracy and their democratic freedoms (MOPR 2007.p.10). It was begun on 5 April 2006 and after 19 days latter king reinstated the parliament on 24 April 2006. Forcefully he agreed to accept the demand

⁴⁰ MOPR, Agreement and understanding, (Kathmandu, MOPR, 2007) pp170-173

of restoring parliament to be led by the seven main opposition parties. The direct rule of Nepalese Monarch ended after the King Gyanendra's announcement on 24 April, 2006.

Before the direct rule of King, 27 October 2000 Deputy Prime Minister Ramchandra Paudel informally contacted with the Maoist leader Rabindra Shrestha for peace process⁴¹. The process was soon disrupted because of the misunderstanding between Maoist leaders and government. 8 months later of first initiation, in 25 Jul 2001, Cease-fire announced by the government led by Mr. Sher Bahadur Deuba and Maoists also announced cease-fire on the same day, after the government's announcement. Conflicting parties, government and NCPM, formed peace dialogue team and started to solve Maoist demand by peaceful manner. It was formal initiation of peacemaking but after the three round dialogues, it failed and Maoists unilaterally broke down the cease-fire started war again. However first dialogue was failed and Second initiation had taken by king's government chaired by Lokendra Bahadur Chand, in 29 January 2003. Both the Government and the Maoists announced the cease-fire and formed 'central dialogue team'. This time they agreed to form a Monitoring team led by representative of Nepal Human Rights Commission consisting 13 Members and signed 22-points Code of Conduct by the Government and Maoists. During the dialogue process in 30 May 2003 Lokendra Bahadur Chand resigned from the post of Prime Minister and King appointed Mr. Surya Bahadur Thapa as Prime Minister. New government continued the peace dialogue and became ready to rewrite new constitution but they were unable to address the Maoist demand of constitution assembly election. Finally, peace dialogue had ended with out any productive conclusions.

In addition, popular revolution (*Janandolan II*) was held in 2006, resulting in the monarchy being stripped of official powers and special privileges. Peace dialogue process again started and finally they reached in conclusion. This was followed by the historical entry into the government of the CPN (Maoist) the signing of the Comprehensive Peace Accord (CPA) in 21 November 2006; the promulgation of the Interim Constitution in January 2007; the formation of the interim legislature and

⁴¹ MOPR,.Comprehensive Peace Accord , end of war (Kathmandu,MOPR,2006)PP11-13

interim government in March-April 2007 and completed the Constituent Assembly (CA) elections in April 2008. On the first meeting of Constitution Assembly, on 28 May 2008, declared end of the monarchy system and Republic of Nepal.

3.1.4 Peacebuilding Policy of Nepal

After the signing of historic Comprehensive Peace Accord (CPA) between the seven party alliance government and the NCPM in 21 November 2006 , they declared formally the end of civil war and announced some special provisions about the political, economic and social transformation , conflict management, management of armies and arms, ceasefire , termination of the military action and the armed mobilization, measures for normalization of the situation, observance of the human rights, fundamental rights and humanitarian law, mechanism for dispute settlement and implementation, implementation and monitoring activities and role of United Nations in the peace process. Some features of CPA are similar to UN Peacebuilding elements which are mentioned in agenda for peace and agenda for development. Major highlights of the CPA are as followings⁴².

1. Preliminary statement.

This agreement shall be called ‘Comprehensive Peace Agreement, 2006’. In short this shall be called peace agreement .which shall come into effect through public announcement by both the government and the Maoists.

2. Ceasefire shall mean restriction of all kinds of attacks, abduction, disappearance, imprisonment, mobilization and strengthening of the armed force, attacking or armed actions targeted against each other between the Nepal government and the Maoists and any form of destructive, provoking or inciting activities in the society.

3. Political, social, economic transformation and conflict management

4. Management of armies and arms

5. Ceasefire

6. The end of war

7. Human rights, fundamental rights and following humanitarian laws

8. Dispute Settlement and Implementation Mechanism

9. Implementation and Follow-up mechanism.

Therefore, CPA has been recognizing as Peacebuilding policy of Nepal.

⁴² MOPR,.Comprehensive Peace Accord , end of war (Kathmandu,MOPR,2006)PP.1-11

3.1.5 Origin of Internally Displaced Persons (IDPs)

The Maoists' insurgency started from February, 1996 and an exodus from the conflict areas began due to the conflict. The intensity and scale of conflict augmented particularly in the mid west and far west regions of Nepal. Due to the conflict, IDPs had been dramatically increased in major municipalities and district headquarters. From 2001, the conflict escalated and a state of emergency was declared; there was a breakdown in education, commerce and public services in many areas and food security declined. By then, other poorer groups had fled from the fighting and forced recruitment by the Maoists. People started fleeing to district centre's, to large cities like Kathmandu, Biratnagar and Nepalgunj, and across the border to India.

Moreover, ex-security forces personnel, ex-Maoists and normal people were forced to leave the places because of the threat from Maoists and the security forces too. Migration to India has been increasingly common survival strategy for communities in the hills and mountains of Nepal. Thousands of Nepalese have been temporarily forced from their homes. Thus, there is no clear data about IDPs. Ten years of bloody armed conflict have resulted in approximately 200,000 people have been displaced⁴³. Internal Displace Monitoring Centre⁴⁴ in his latest report mentioned "At the end of 2008 between 50,000 and 70,000 IDPs remained dispersed across Nepal", mainly in the cities, even though the armed conflict and localized inter-ethnic violence which had caused their displacement had ended. OCHA, Nepal in his thematic report of 2008 mentioned the current estimate is that the number of IDPs in Nepal remains between 50,000 and 70,000. In February, 2009 the government had registered a total of 52,160 IDPs from 14031 families. Following sources provide following numbers of IDPs.

Table 7: Numbers of IDPs in Nepal

Date	IDP Figure	Source	Comment /limitation
Feb,2009	52,160	Government of Nepal	Based on 5 th National peace trust fund progress report p.11
Jul,07	50000-70000	OCHA	Estimate of the IDP projection group
Aug 06	38000	Government of Nepal	Sourced to the NHRC, 2006
Aug-06	212,985-272,600	Caritas	Only covers IDPs living in district headquarters
May-06	200,000	UNHCR	-

⁴³ Tamang, Internally Displaced Persons (online,2009), p.5

⁴⁴ Internal Displacement Monitoring Centre,. Internal Displacement Global Overview trend and development Nepal :(Norwegian refugee council, Geneva, Switzerland, 2008), p.63.

Nov-05	400,000	UNFPA	-
Jul-05	18,666	Ministry of Home Affairs	Only includes those displaced by the Maoists
Jun-05	40,000	ILO/CWIN	Children displaced since 1996
Apr-05	50,000	INSEC	Only covers 2001-2004 period
Sep-04	2.4 million	ADB	Cumulative figure since 1996. Includes displacement to India
Jan-04	350,000-400,000	CSWC	Based on the identification of 160,000 IDP in 5 districts
Mar-03	100,000-150,000	GTZ, INF, SNV & cie	
Jan-03	80,000	UNDP/RUPP	Only covers 2001-2003. Extra migration to urban areas
Jan-03	7,343	Ministry of Home Affairs	Only includes those displaced by the Maoists

Source: OCHA Nepal, 2008:1.

From the above mentioned facts, it is clear that a decade long violent conflict resulted forcefully internally displacement of nearly 70,000, others. Because 52,160 are already registered and registration process is going on and those people who fled into India during the conflicting period have to return. Most of the IDPs are in the district head quarters or capital city, some of them are in a small room with their joint family, some are to their relatives and some are living in temporary shelters on road side or public areas. Now, armed conflict had finished. Both conflicting parties expressed their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice and to rehabilitate and socialize the displaced persons with due respect⁴⁵.

Nepal's peace negotiations and peace process has internally driven but UN agency assistance involved after the cease-fire. United Nations Mission in Nepal (UNMIN) had worked in monitoring aspect of arms and armies of both sides and OCHA, has been working for Human rights issues in Nepal.

Government incentives for return to facilitate returning IDPs to their homes have been implementing. Government provided transportation cost to return to their homes, home repairing subsidy and allowances for four months (daily Rs 60 per day for their personal expenses). The property belongs to IDPs has remained still in their birth place, but only few IDPs returned their previous place of residence⁴⁶. The fact is that

⁴⁵ CPA, End of war (Kathmaqndu, MOPR, 2006), p. 11.

internally displaced persons are compelled to spend traumatic lives with extreme poverty.

Moreover, in 2008, people displaced by the conflict started to return, although at a slower speed than during the previous year. Many of those who had not returned home remained unable to do so because of lack of proper assistance and unresolved land and their looted property issues. While some People who had returned decided to leave again, probably they couldn't get any economic support after finishing government assistance.

3.2. Constitutional and Legal Provision and Organizational Structure for the IDPs

Government of Nepal prepared some legal and policy related provisions to help IDPs in their returning procedure, some major arrangements are as followings.

3.2.1 Interim Constitution of Nepal 2007 AD

Current Nepalese constitution "The Interim Constitution 2007", was prepared through a political consensus and promulgated in 2063 (2007), and to be in force until a new constitution is framed by the Constituent Assembly. Thus, it was made only to manage the transitional period and regular business of the nation. There are following provisions relating to internally displaced Persons.

1. Helpless, orphaned or mentally retarded children, children who are victims of conflict or displaced and street children at risk shall have the right to receive special privileges from the state to ensure their secure future.
2. To conduct special programmes to rehabilitate the displaced persons, to provide compensation for damaged private and public property, and to rebuild infrastructure destroyed during the course of the conflict,
3. The state shall pursue a policy of making special provision on the basis of positive discrimination for the minorities, landless, squatters, bonded laborers, persons with disability, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes [Adivasi Janajati], Madhesis and Muslims⁴⁷.

⁴⁷ Government of Nepal, Interim constitution, (Kathmandu, Law books management committee,2007) pp.80-106

3.2.2 Comprehensive Peace Accord 2006 AD

The main objective of the comprehensive peace accord is declaring the beginning of a new chapter of peaceful collaboration by ending the armed conflict that existed in the country since 1995, on the basis of the political understanding reached between both conflicting parties in order to fulfill the guarantee of sovereignty of the Nepali people, progressive political outlet, democratic restructuring of the state and socio-economic and cultural transformation through the Constituent Assembly. It has legal authority by the constitution or it is a part of constitution.

According to Interim constitution 2007, article 147 (Management and monitoring), and article 166 provided CPA as a part of constitution. It has mentioned as followings.

1. Other arrangements regarding the management and monitoring of the arms and the army shall be carried out in accordance with the 'Comprehensive Peace Accords' concluded between the government of Nepal and CPN-Maoist on November 21, 2006 and 'Agreement on the Monitoring of the Management of Arms and Armies' reached on 8 December 2006.
2. The "Comprehensive Peace Accord" concluded between the Governments of Nepal and the Communist Party of Nepal (Maoist) and an agreement relating to "Agreement on the Monitoring of the Management of Arms and Armies" are exhibited in Schedule

In addition, Comprehensive Peace Accord is accumulated document of peace agreement. Thus there are other some provisions relating to IDPS, which are as followings.

1. Both sides express their consent to create an inventory of governmental, public and private buildings, land and other properties occupied, locked up or not allowed to be used in course of the armed conflict and to return them immediately.
2. Both sides agree to maintain peace in the society while normalizing the adverse situation created by the armed conflict and to form a National Peace and Rehabilitation Commission to carry out relief work for the people victimized and displaced by the war and to rehabilitate them.

3. Both sides express their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice, to reconstruct the infrastructure destroyed as a result of the conflict and to rehabilitate and Socialize the displaced persons with due respect.
4. Both sides respect and protect right to freedom of movement, freedom to choose the place of residence, subject to legal norms and express the commitment to respect the right of the persons displaced by the conflict and their families to return back to their original residence or to settle in any other places of their choice.

3.2.3 UN, Guiding Principles on Internal Displacement, 1998

IDPs problem has spread worldwide .Realizing the gravity of the problem of IDPs and the absence of particular UN agency responsible for IDPs, the UN General Secretary created a position of Representative of Secretary General on internally displaced persons. The Representative Mr. Francis M. Deng collaborating with other UN agencies framed the Guiding Principles on internal displacement in 1998⁴⁸ . They consist of 30 principles, which identify the rights of the internally displaced and the obligations of governments and insurgent groups toward these populations. They also provide guidance to all other actors engaged with the internally displaced – in particular international organizations and non-governmental organizations. They cover all phases of displacement – prior to displacement (the right not to be displaced), during displacement, and during return or resettlement and reintegration. They are based on international human rights law, international humanitarian law, and refugee law by analogy and indeed bring together into one document all the provisions of international human rights and humanitarian law relevant to the internally displaced.

Response Strategies of internally displaced peoples has been changing the humanitarian lens. Some important principles mentioned in this guideline⁴⁹ , relating to introduction and returning IDPs are as followings:

⁴⁸ OCHA , 2007. The internally displaced: current Status. *Thematic report*, (Kathmandu, Nepal, 2008, Issue No 2, pp.1-4.

⁴⁹ OCHA, Internally displaced persons :current status monitoring Developing(OCHA ,1998).p 15

) Introduction –Scope and future

These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displaced and to their protection and assistance during displaced as well as during return or resettlement and reintegration.

) Principle 3

National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

) Principle 15

Internally displaced persons have:

- a) The right to seek safety in another part of the country;
- b) The right to leave their country;
- c) The right to seek asylum in another country; and
- d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and /or health would be at risk.

) Principle 16

The authorities concerned shall endeavor to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organization engaged in this task.

They shall inform the next of kin on the progress of the investigation and notify them of any result.

) Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - a) Essential food and potable water;
 - b) Basic shelter and housing;
 - c) Appropriate clothing; and
 - d) Essential medical service and sanitation.

) Principle 19

All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the

medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

) Principle 21

The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- a) Pillage;
- b) Direct or indiscriminate attacks or other acts of violence;
- c) Being used to shield military operations or objectives;
- d) Being made the object of reprisal; and
- e) Being destroyed or appropriated as a form of collective punishment.

Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

) Principle 23

To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education, which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

) Principles 24

Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

) Principles 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organization and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or interference in a state's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

) **Principles 27**

International humanitarian organization and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

) **Principle 30**

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

3.2.4 International Instruments with regard the Right of the IDPs

Dilli Raman Dhakal, (2004) mentioned some international instrument with regard the right of the IDPs, which are followings:⁵⁰

1. Guiding Principles on international displacement, OCHA, 1998
2. UN General Assembly resolution 48/116(1993) (set out important criteria to guide UNHCR's decision on when to intervene on behalf of internally displaced persons)
3. Resolution 1992/73 on internally displaced persons of 5 March 1992
4. Resolution 1993/95 on internally displaced persons of 11 March 1993
5. Oslo Declaration and plan of action on the Plight of refugees, Returnees and Displaced Persons in Southern Africa of 22-24 August 1988
6. Resolution 45/137 on Assistance to Refugees, Returnees and Displaced Persons in Africa of 14 December 1990
7. Resolution 45/139 Concerning Emergency Humanitarian Assistance to Liberian Refugees and Displaced Persons of 14 December 1990
8. Resolution 46/108 on Assistance to Refugees, Returnees and Displaced Persons in Africa of 16 December 1991
9. Resolution 46/107 about the International Conference on Central America Refugees of 16 December 1991
10. Resolution 47/103 about the International Conference on Central America Refugees of 16 December 1992

⁵⁰ Dilli Raman Dhakal,; following measures highlighting of policy (online 2004)

11. Resolution 1010(1993) on the Situation of the Refugees and Displaced Persons in Serbia, Montenegro and the Former Yugoslav Republic of Macedonia
12. Resolution 1205(1993) on the Refugees and Displaced Persons in Several Countries of the Former Yugoslavia
13. Compilation and Analysis of Legal Norms”(E/CN.4/1996/52/ADD.2)
14. Constitution of the International Refugees Organization and Annex 1 to it 15 Dec.1946
15. In case of Nepal, the mandate of the organization shall extend to displaced persons which is impliedly mention as part of this constitution.

3.2.5 National IDP Policy, 2007

Due to natural disasters, human-made circumstances and disasters, armed conflict and situations of violence and fears having created there from, persons and families are forcefully displaced from their homes or places of their habitual residence and thus they are time and again required to face such situations that force them to reside in other parts of the country. Owing to armed conflict in the past in the country, the problem of internal displacement has become even more complicated. In order to materialize the interests of all Nepali people to maintain permanent peace in the country, it is required to address with priority the problems of persons and families having forcibly displaced because of, inter alia, violent conflict. Thus, In February 2007, the Government of Nepal endorsed the ‘National Policy on Internally Displaced Persons’ to address issues of displacement in Nepal following more than ten years of civil conflict⁵¹ .

Guiding Principles:

The policy has followed International treaties on human rights to which Nepal is a party and Universal Declaration of Human Rights of the United Nations, United Nations Guiding Principles on Internal Displacement, Constitutionally conferred fundamental rights, universally accepted principles of social as well as natural justice and equality, All-party national agreement including the matter of minimizing the

⁵¹ MOPR, IDP policy, (Kathmandu, MOPR, 2007) pp.1-28

problems of internal displacement contained in Comprehensive Peace Accord made in relation, inter alia, to rehabilitation of displaced persons.

) Objectives

According to IDP policy, 2007 the policy has brought to build a peaceful, prosperous and internal-displacement free society through the promotion of mutual understanding, harmony and security. The objectives of this policy are as followings;

1. To adopt preventive and curative measures in a long-term basis and thereby minimize the problems with a view to addressing the problems of internal displacement.
2. To provide relief, benefits and facilities by developing integrated and coordinated mechanism with involvement, among others, of displaced persons for the protection of fundamental rights and basic human rights of internally displaced persons and minimization of adverse effects to be inflicted on local communities as a result of displaced persons.
3. To create conducive environment for safe, voluntary and dignified return of displaced persons or construction and rehabilitation of social, economic infrastructures for their settlement in other locations.

) Strategy and policy

Many strategies and policies have been adopting in order to achieve the objectives of these policies, like as incorporated in the priorities of national development, coordination to various development partners and government agencies, institutional capacity and capacity of IDPs, resource allocation, eliminate the fear and minimize the problems and voluntarily encourage returning to their places of habitual residence. For this purpose, an appropriate rehabilitation plan will be formulated and implemented (MOPR, 2007 pp.4-6)

) Policies relating to return

Regarding human rights protection

1. By discouraging the forceful displacement, no any discrimination will be made on grounds of caste, tribe, language, religion, sex, ideological conviction, geographical region or the similar type of other any grounds while providing service, facility, benefit and protection to displaced persons or families.

2. Arrangements of appropriate security will be made in case a situation is arisen that any person is forcibly displaced from his/her home or place of habitual residence due to violent conflict.

Regarding relief

1. By looking into the situation of displaced persons, certain norms will be developed to immediately provide relief, and provisions will be made to distribute the relief accordingly. Similarly, a temporary arrangement of inhabitation will be made until the permanent and safe inhabitation is managed.
2. Necessary programmes will be undertaken to minimize the effects arisen due to pressures on economic and social infrastructures which were already maintained prior to arrival of internally displaced persons into local communities.
3. Upon the return of displaced person to the place of rehabilitation, arrangements of doing medical test for them will be made as per necessity.

Regarding rehabilitation

1. Displaced persons or families will have freedoms of returning voluntarily to the places of their permanent inhabitation from where they were immediately displaced or residing in the place of current inhabitation or getting rehabilitated in other places of their choice within the country. Each of the displaced persons will be provided with opportunities of returning to his/her place of habitual residence, getting rehabilitated and also integrating with one's disintegrated family.
2. Appropriate arrangements of personal security and social as well as economic infrastructures will be made in places of rehabilitation.
3. The state shall make necessary arrangements to return such physical properties which were forcefully seized or looted at the time of conflict.
4. While formulating necessary programmes for sending displaced persons into previous condition, their participation will be mobilized. Special priority will be given to the participation of women.
5. Provisions of necessary mechanism will be made to maintain reconciliation in societies and thereby create peaceful environment.

3.2.6 National Plans and Programmes

Interim three years plan of Nepal was made after declaring the end of the civil war. According to current peace road map, post conflict peace process will completed, when new constitution will make and new federal government will take place by the election procedure. Now it has undergone in transitional period. Thus, the main objective of this plan is to generate an experience of a direct feeling of change in the lives of the general public by supporting in the establishment of peace and reducing the existing unemployment, poverty and inequality in the country⁵². Special emphasis has given to relief operation and social rehabilitation of individuals or groups affected by the conflict. The priority areas of the Plan is rehabilitation of conflict affected people by providing relief and rehabilitation program as well as social integration⁵³. Specific Program for Relief and Rehabilitation for the conflict affected has mentioned as; to provide financial assistance to the dependent families of the deceased, to rehabilitate people disabled in the conflict and to identify and verify the people missing in the conflict.

3.2.7 Government Organization for IDP Management

The residents of the conflict-affected areas have been displaced to a notable scale. Those people were forced to leave their permanent settlement, and are living a hard life by taking resort to different areas. As they have been living in headquarters and other urban areas, the service providing centers of those places are facing maximum pressure. A separate ministry, called Peace and Reconstruction Ministry, has been established for the overall management of human caring and rehabilitation of the conflict affected. According to the Government of Nepal (MOPR) the functions and duties of the Ministry of Peace and Reconstruction relating to IDPs are as follows:

1. Policies, strategies and programs of social and economic development of conflict-affected regions.
2. Implementation, monitoring and evaluation of such other agreements, understandings and decisions including Comprehensive Peace Accord;

⁵² NPC, Three years interim plan ,IDP management program (Kathmandu,NPC 2007/08), p.19

⁵³ Ibrd,pp. 28- 31

3. Relief and rehabilitation for those who are victimized and displaced due to conflict.
4. Local Peace Committees
5. Operation and monitoring of plans and programs to be operated from the Peace Fund.
6. Focal point of governmental, non-governmental and international institutions / organizations pertaining to peace establishment and conflict management.

Ministry of peace and Reconstruction is the responsible unit at central level and local administration office and Local Peace Committees are responsible at local level. The role of NGOs, INGOs and civil society has been widely accepting in assistance for IDPs management.

In addition, Nepal Peace Trust Fund (NPTF) is a government-owned fund established in February 2007 to implement the provisions of the historic Comprehensive Peace Accord. Steering committee decides the final project with the recommendation of technical committee⁵⁴. Its scope of work relating to IDP has as follows:

- 1) Rehabilitation of the internally displaced persons (IDPs)
- 2) Support to the peacebuilding process
- 3) Rehabilitation of the conflict affected people.

Moreover, Local Peace Committees are purposed to make peace from the local level with inclusive manner. However it is purposed for all in 75 districts but at the end of 2008, nearly 50 districts has formed such committees. According to MOPR, these committees have formed for certain period of time and following purpose⁵⁵.

1. Realizing the spirit and essence of the Comprehensive Peace Accord in the context of having completed the Constituent Assembly election to resolve the decade long conflict in the country;
2. To create an environment conducive for a just system in a transitional period through restoration of sustainable peace by resolving the remnants of conflict at the local level and systematically promoting the processes of peace and reconstruction through mutual goodwill and unity;

⁵⁴ NPTF, Operation Guideline (Kathandu,NPTF 2008)p.1

⁵⁵ MOPR, IDPs program (Kathmandu,MOPR,2009) pp .1-11

3. To address the concerns and complaints of local stakeholders for democratic values and beliefs and a sustainable peace;

It has thus been decided to constitute Local Peace Committees, which shall, ipso facto, be dissolved after the enforcement of the new constitution to be framed by the Constituent Assembly, with wide participation of the people so that implementation of the Comprehensive Peace Accord, subsequent treaties and other agreements and understandings including Madhesh movement are monitored at the local level.

CHAPTER FOUR

ANALYSIS

4.1 Analysis of Internally Displaced Persons

IDP Scenario in Nepal

The internal displacement in Nepal is the resultant affects of the internal conflict between the state and the CPN, Maoist. The Maoists launched an armed revolution against the government in the name of the Peoples' War since February, 1996. The intensity of the conflict had been in the upward trend until signing the Comprehensive Peace Accord in 2006. There were numerous conflict-generated consequences and internal displacement was one among them. In addition the rise in poverty, in conjunction with the armed conflict, forced many people in Nepal to migrate to urban centers and across national borders for security and better economic opportunities. Tamang Ritendra⁵⁶ estimated that approximately 100,000 people were internally displaced in 2006. Many displaced Nepali are migrating to countries in East, Southeast, South, and West Asia, as well as Canada, in search of employment and better lives. Ritendra further focused that displacement in Nepal is closely tied to the patterns of armed conflict. In many parts of the country, the continuation of violence caused the closures of public service facilities such as schools and hospitals, as well as local businesses. There is direct relation between increased number of killing and pattern of displacement. The widespread of violence further increased vulnerabilities of IDPs and thereby added to the instabilities in the country.

Compared to other groups of people in Nepal, poor people from remote and rural areas are more affected by Maoist violent activities. Tactics such as forced recruitment, abduction, extortion, and other human rights violations carried out by Maoists forced many to move away from their villages and communities. Forced recruitment of children into the Maoist army became a major cause of the displacement of children and youths in the country. Children as young as 14 are

⁵⁶ Ritendra Tamang ,internally displaced persons in Nepal (online,2009), p.5

reportedly recruited and often serve as porters, spies, and sentries⁵⁷. The fear of being accused as government spies has forced many to flee from their homes. In 2004, UNDP Nepal Human Development placed the country's level of human development "among the lowest in the world"⁵⁸. In the following year, Nepal was classified as one of the countries worst affected by displacement. However, the displacement crisis in Nepal received limited attention from the government and international agencies. This limitation is reflected in the absence of targeted assistance to address the most immediate humanitarian needs. No survey has been carried out to assess the vulnerability of IDPs on the basis of different indicators such as access to shelter, food, drinking water, sanitation, medicine and care⁵⁹.

In addition, limited knowledge about the total number of IDPs and the conditions of the dislocations pose serious problems to the effective provision of aid. We already discussed that there is no fix registered number of IDPs but 52,160 are registered in Ministry of Peace and Reconstruction and it is not final report⁶⁰. Thus, nearly 70,000 people have taken for this purpose. Though the problem of IDPs has been substantially affecting the people in many districts of the country, the issue has so far received much less attention to its gravity.

4.1.1 Displaced People

Armed conflict was emerged on the background of political ideology. Dhakal⁶¹ stated that initially, the party members concerning to opponent ideology were displaced. But latter following people were displaced:

1. Political workers due to ideological difference
2. Elected representatives due to ideological difference
3. Family of security personnel due to revenge
4. Government employees due to revenge
5. Persons involved in education due to resentment
6. Big farmers / businessmen due to opinion differences
7. Young groups due to security and employment reasons

⁵⁷ Human Rights without Frontiers, Internally displaced persons in Nepal (online,2005) p.6

⁵⁸ Ibrd, p.7

⁵⁹ Ibrd, p.9

⁶⁰ NPTF, , IDPs program(Kathmandu,MOPR,2009)p.11

⁶¹ Dilli Raman Dhakal,: following measures highlighting of policy (online,2004) p.2

8. Student groups due to the fear of being abducted and/or abused
9. Elite groups for safety, better opportunity and physical facilities
10. Poor groups for livelihood options
11. Persons affected from natural disaster for livelihood and safety options
12. Minority groups discrimination, structural violence and cultural/religious intolerance
13. Ethnic group's systematic discrimination and marginalization

4.1.2 Causes of Displacement:

Causes of conflict-induced displacement can be divided into root causes and proximate causes. Root causes are those which initiate a conflict and its displacement, although these can be hard to isolate as most of conflicts must be understood as self-perpetuating and their resulting displacement can be seen not only as an effect of the conflict but also eventually as a cause of its continuation.

The displaced in Nepal have fled their villages for a variety of reasons. At the beginning of the conflict, Maoists forced members of the rural elite, large landowners, people affiliated with the central government, and political party members to leave their villages, if they did not swear allegiance to them. This group of people has been able to go to district centers or larger cities and buy property, and most of them are not in need of economic assistance. But some years latter the dynamic of the conflict had changed. The intensified conflict of both the Maoists and the government security forces, as well as the collapse of economic and social structures in villages, is forcing larger numbers of more vulnerable people to flee. They tend to move in with relatives or friends, or move to slums on the outskirts of cities. Many also went to India. These poor IDPs are virtually indistinguishable from the equally vulnerable urban poor living throughout Nepal⁶². There are many causes for displacement some are as followings:

-) Death threat and intimidation
-) Extortion spree and psychological suffering
-) Charges of spying from both the conflicting parties
-) Murder of the family members and relatives

⁶² GTZ, INF, SNV, UNDP/RUPP ,Nepal IDPs research findings (online,2003), pp.13-14

-) Fear of being abducted and tortured
-) Use of vehicles, phones and accessories by the rebels
-) Actions by security forces for letting the other party use for their purposes.
-) Locking up homes and destroying them
-) Camping and exchange of fires at schools
-) Announcement of state of emergency and increasing fear among the people
-) Lose of jobs and livelihood options
-) Obstruction in children's education
-) Failure to tolerate the atrocities of both the warring parties
-) Forceful contribution (both money and person)
-) Threat for living
-) Unable to pay donation
-) Kidnapping
-) House or property destroyed or captured
-) Trapped in between security forces and the rebels
-) Inability or refusal to join rebels

However there are no similar causes for displacement but it is true that fear for living was the immediate pushing factor for displacement.

In addition, following pattern has seen as destination of conflict originated displacement in Nepal⁶³ .

District Headquarters,

-) City Centers-Terai
-) Capital,
-) India,
-) Third Country for employment (Malaysia and Gulf countries)

⁶³ Dilli Raman Dhakal, : following measures highlighting of policy (2004) p.4

4.1.3 Displacement Trend

A large number of displaced persons never informed about their displacement due to various unstated and specified reasons. Hence the number available at MOPR doesn't reflect the exact magnitude and trend of displacement but it indicates the seriousness of the problems. Internally displacement process was started since 1997 and it was accelerated after the state of emergency in November 2001. But there is no clear picture of IDPs .From the above mentioned different sources following Number of IDPs can be taken.

Table 8: National-wise Displacement Number in Nepal

Year	IDPs
2003	7,343
2004	160,000
2005	50,000
2006	200,000
2007	50,000
2008	44,861
2009	52,160

Source: OCHA Nepal, 2008:1. and NPTF, 2009:11

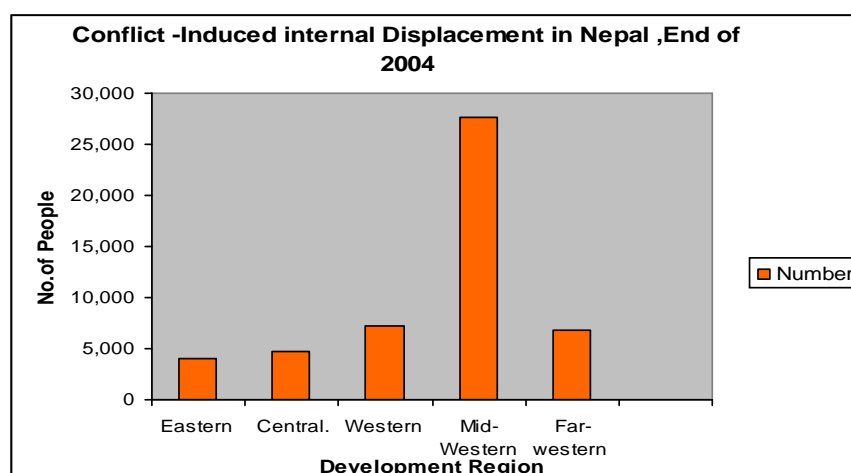
The trend of displacement looks fluctuation in different years. It shows the number of IDP is depended variable with conflict. When conflict increased the number of IDP is also increased. All the 75 districts were not affected at same level. Previously, districts from mid western regions were most affected by the conflict and IDPs also. Following figures shows the different density of IDPs in different districts.

Table 9: Conflict -induced Internal Displacement in Nepal (end of 2004)

S.N.	Development Regions	Number of people
1	Eastern dev. region	3979
2	Central dev. region	4791
3	Western dev. region	7247
4	Mid-Western dev. region	27581
5	Far-western dev. region	6758
Total		50356

Source: Sharma, n.d:13

Figure 3: Conflict Induced Internal Displacement in Nepal



INSEC data at the end of 2004 shows an estimated 50,356 IDPs in Nepal. This suggests that the majority of IDPs are found in the Mid West, from where armed conflict was originated and it confirms trends shown in Government data.

Number of displacement from five most conflict affected districts at the end of 2004 is as followings.

Table 10: five most Conflict Affected Districts at the End of 2004

District	Total Population(2001)	CSWC Estimated Number	Percentage of Displacement
Rolpa	210,004	54,000	25.7
Rukum	188,438	52,000	27.6
Salyan	213,500	21,000	9.84
Dang	462,380	12,000	2.6
Achham	231,285	21,000	9.8
Total in 5 districts	1,305,607	160,000	12.25% of Total Population

Source: community study and welfare centre, 2004:5

4.1.4 Characteristics and Phases of Displacement

A survey of CSWC (2004, p.3) stated that the movement of IDPs can be analyzed as following three patterns:

-) Before displacement
-) Displacement
-) Return and reintegration

Now conflict had ended but fear of the conflict has been setting in the mind. Creating easy environment for return and reintegration takes important role at the movement. A collaborative and embracing approach need to be developed to address the issue of IDPs. From the above mentioned literature, following special characteristics of the displaced has been seen in Nepal.

-) Rural to urban areas based.
-) Silent movements/departures rather than organized/mass departures
-) Youths and adolescents
-) Similarly affected all castes and communities.
-) Psychological, socio-economic and physical pressure on woman and children
-) Decrease in agricultural production and seeking new way of livelihood.

On the basis of destination of displaced people, following three preliminary categories were identified:

-) Some people moved as land less ('sukumbhasi') onto unoccupied or government owned land near the smaller towns on the Tarai and other secured areas, are still living by getting temporary or seasonal job in the city, have better life than other IDPs.
-) Some people moved into the city themselves in their relatives or rented house, have been getting terrible life. They have no income source and no owned residence places.
-) Others some migrated directly to India and third countries have uncertain to return.

Main family member often husbands or young people of these families are away working in India. Other members are living in their house, they are very vulnerable, and no incentives to improve their surroundings or engage in longer-term livelihood activities, such as agriculture, as they may be chased off the land at any time. Sometimes tension with host communities has seen because they experienced new difficulties due to pressure of cohesion from the IDPs settlers. This level of cohesion is higher if they have come from the same district, although often, a number of districts will be represented in one area. In the Mid Western Region settlers are found

mainly on the Terai in Banke, Bardiya and Dang districts. GTZ, INF, SNV, UNDP/RUPP ⁶⁴ demonstrated that poorer IDPs maintained their livelihoods in a variety of ways, most unskilled and menial. Typical activities include:

-) Manual work in factories (brick factory, iron factory, flour mills)
-) Sale of forest products, timber and firewood
-) Work in hotels
-) Cattle rearing using loans
-) Small□ trading such as tea shops and vegetable stalls
-) Stone breaking, sand sieving and lorry loading
-) Carrying loads
-) Rickshaw□ driving
-) Washing□ clothes in the bazaar

These types of activity generally require low or minimal capital investment, are physically demanding, insecure and generate low returns. In summary, they are no different from the normal activities of poor economic migrants. As the number of people engaged in these activities increases, so does the competition for business. This usually results in lower daily wages or business profits, impacting not only on poor displaced people but also on poorer sections of the host community.

4.1.5 Key Findings

From the above mentioned analytical fact, following issues and conclusion may be considered:

-) IDPs and conflict affected communities do not fully believe that the government will support their recovery and they must take control of their own circumstances.
-) Unregistered IDPs remain among the most vulnerable in the target communities.
-) The issue of internal displacement in Nepal is a complicated one and it is difficult to identify IDPs for a number of reasons.
-) IDPs are living in vulnerable situation with extreme poverty.
-) Government and development agencies did not consider for the host community.

⁶⁴ GTZ, INF, SNV, UNDP/RUPP ,Nepal IDPs research findings (online,2003), p-14

4.2. Impact of IDPs

Pressure in limited facilities

Internally displacement process accelerated after the state of emergency in November 2001. It created many problems both leaving place and host community. Thus it left negative impact to the IDPs and hosting communities. Data from the RUPP survey⁶⁵ provides some negative perception of host community to the IDPs. There was huge pressured in limited infrastructure in the host society like as food, shelter, education and health facilities but there was lack of organizations to support IDPs. Members of host communities generally assume that IDPs will return home when the security situation improves. Some stated that the government should solve the IDP problem by facilitating the return of IDPs to their villages.

Social Problems

Displacement has a number of fairly obvious economic and social implications for Nepal. One of the main implications is the pressure that growing numbers of migrants are placing on the infrastructure of urban areas. Population growth rates in some municipalities that are equivalent to a doubling in size every 7 to 10 years pose huge challenges for local governance⁶⁶. Basic infrastructure such as roads, water supplies, sanitation, waste management and housing are frequently already inadequate and likely to become more so. Key services, particularly health and education are similarly coming under increasing strain. For marginalized people in areas of IDP arrival, an increase in competition for unskilled labor is reducing daily wages and making livelihoods that are already unstable even more vulnerable. In some cases this is already leading to conflicts, which may become more common and serious in future.

Pressure in Natural Resources

In addition, the livelihood of IDPs is dependent on the unsustainable use of natural resources. Obvious examples are the quarrying of riverbeds for stone and sand and the illegal cutting and sale of firewood. In additional to potential environmental problems, unsustainable use of these resources means that their ability to sustain livelihoods will

⁶⁵, GTZ, INF, SNV, UNDP/RUPP ,Nepal IDPs research findings (online,2003), p.16

⁶⁶, Ibrd,p.14

be finite. The negative implications of displacement and urbanization are perhaps the most obvious. However, there are more positive ones too. For example, growing urban areas provide growing markets for rural produce. The reduction of traditional caste and ethnic divisions in IDP communities might also be viewed as positive.

Family problems

Broken of family members was usual from the conflict. Young and physically strong man went to India and third country for better jobs. Children and old age people left in their home. Migration ratio from non secured place to secured place had increased during the conflict period.

4.3. Policy and Programmes and their effectiveness resolving IDPs

Problems

Building a peaceful, prosperous and internal-displacement free society through the promotion of mutual understanding, harmony and security is the main objective of the IDP policy of Nepal. Therefore, to rehabilitate the internally displaced persons or families with respect, safety and voluntary basis is main guiding policy. For it, government has been given emphasis to return to their previous place of residence by creating peaceful and friendly environment. In order to achieve this goal Political consensus, Comprehensive Peace Accord, IDP policy 2007 and Current three years interim plan has been undertaking. A starting point to the return process is for governments to recognize that IDPs have a right to return. All IDPs have the right to go back voluntarily to their former homes, lands or places where they used to live, in safety and dignity. This means that persons displaced against their will must be allowed to return to their former homes and land, if they wish to do so. Return must be voluntary. Voluntary return in safety and dignity is when the choice to return is made without any pressure from any outside source government, political groups and rebel forces and where there is access to accurate information on the circumstances and conditions that displaced persons are returning to. IDPs should be provided with complete, objective, up-to-date and accurate information, on physical, material and legal safety issues regarding their former homes, lands or places where they used to live. The right to return is not restricted by the passing of time and cannot be limited to a certain period of time. It does not mean that displaced persons are absolutely required to return to their original places of residence. There are various factors which

pushed to be IDP and some pulling factors which help to return back to society. Among the pulling factors livelihood opportunities is assumed as a crucial factor for the IDPs in post conflict society.

The return patterns of IDPs in Nepal are characterized by “irregular return movements”⁶⁷The re-establishment of a multiparty government, the signing of the 12-point agreement between the Maoists and other parties in 2005, and the signing of the Code of Conduct in May of the following year allowed IDPs to resume rights over their land and property and encouraged many to return to their homes⁶⁸ . These agreements reflected Maoist and government commitment to provide assistance to IDPs. Additionally, the forming of a newly democratic government following the 2008 election encouraged many to return home. However, main problem of livelihood opportunity, lack of income sources, ongoing human rights violations in conjunction with the absence of governmental forces, unresolved land disputes and lack of access to essential public services in many areas made returning difficulties for many displaced persons. Rehabilitation programmes for IDPs has been conducting since 2001 and various measures has been implementing for relief and rehabilitation of IDPs in different time periods, such as followings.

4.3.1 Ganesh Man Singh Peace Campaign

This program was conducted under the Ministry of Home affairs to provide relief and compensation for the IDPs. Bandana Shrestha and Som Niroula ⁶⁹ stated that Under the Ganesh Man Singh peace campaign, government provided NRs 100 per day (US\$1.30) per head per family (maximum of 3 members per family) of IDPs. The funds for this programme ran out in June 2002. Information obtained seems to suggest that IDPs with political connections have been able to benefit from this programme. Families displaced by the security forces are denied of this benefit since the eligibility is defined as a person who has been displaced due to the murder of a family member by the Maoist.

⁶⁷ IDMC, Internal displacement global overview (IDMC, 2006), p.5

⁶⁸ OCHA, Internally displaced persons :current status monitoring Developing(OCHA ,1998).p 2

⁶⁹ S. Shrestha and Niroula ,Internally displaced persons in Nepal (online,2005), pp.47-48

Analysis

Many IDPs were unaware of government assistance. Even if the IDPs were aware of rehabilitation programmes, the process of verifying their status required them to go back to their original homes to be certified. This was often very time consuming and entailed dangers such as the fear of retribution from either side. This was another major reason why IDPs remained silent and hidden. This programme did help to provide immediate relief as medicine for insured people and economic assistance for loss in property .But it was not sufficient for all IDPs and it was not mitigation measure to stop potential IDP. There appears to be no long-term implementation of a holistic approach in working with the IDP problem. Thus, from the IDP management perspectives, this program was narrowed and less effective.

4.3.2 Integrated Security and Development Model

P.R. Ligal⁷⁰ , a former vice chairman of national planning commission of Nepal stated that With the expansion of the arms conflict, the security situation in most of the districts had worsened and as a result, as expected the governance system weakened , government offices were blown out and destructed, infrastructures are damaged and work in the infrastructure sector hampered , economic activities in the conflict affected areas came to stand still, assets of the common people confiscated and looted, young people were abducted and forced to join the arms movement, women and children were exploited and large scale displacement of people occurred. It had also taken a deadly toll in the country; 15,916 people lost their lives or been wounded and people moved by seeking secured place. So the number of internally displaced persons increased in Nepal.

The growing insecurity and the absence of government officials made it difficult to carry out development activities and service delivery in the affected areas. Development programs have been adversely affected and as a result, income and employment generating activities as well as the delivery of basic services (health, education etc) have been disturbed severely. The destruction of VDC buildings, bridges, schools, health posts, communication facilities etc. and intimidation and subsequent absence of local officials had considerably weakened the productive capacity and infrastructure base for maintaining essential service delivery to the people, especially in rural areas.

⁷⁰ P.R. Ligal impact of conflict on public policy (Kathmandu,n.d.) pp.6

An in-depth analysis of the society, people have fear of security and low employment opportunity. From this conflict people got trouble in low economic opportunity. Besides its effect on the economic opportunity and unsecured life, the intensifying conflict also forced government to initiate new policies and programs in the mid of the tenth plan period (2001). These initiations were made to smoothly carrying out the development activities and for better service delivery particularly in the conflict areas. Government believed that from these initiatives the flow of IDPs will stop and those IDPs who flew from their residence will return to their home. In order to achieve this goal government adopted following integrated security and development model in 2001.

Integrated security and development Program

As the insurgency affected infrastructure construction and service delivery in the conflict area, the government decided to initiate a new program taking development and security together continuing development activities protected by the security units. This program was called “Integrated Security and Development Program” and initially was launched in five conflict affected districts of Gorkha, Rukum, Rolpa, salyan and Pyuthan. The program was later extended to 11 other districts including some in the central and eastern hilly districts⁷¹. Army and other security agencies were involved in a unified strategy under the overall responsibility of the Army, to implement and protect the identified programs. Respective departments and ministries were instructed to ensure all the vacant position in the district fulfilled and the personnel were involved to carry out the program under the protection of the security forces. Strategic infrastructure programs such as roads, irrigation structures, drinking water schemes, educational and health related activities, income and employment generating activities were identified as the program to implement in these conflicts affected districts. Priority was given in allocating budget and quick disbursement of budget release was ensured. A central program approval and monitoring committee along with the district level monitoring and supervision committees were formed to ensure program success. Required budget were also sanctioned to carry out programs relating to maintenance of school building and health office, irrigation and drinking water maintenance etc., as a program to win the heart of the IDPs and local people by

⁷¹ Ibrd,pp.10

improving service delivery. The initiation had opened the door for full scale devolution of government tasks to local bodies in the subsequent years. Priority had been given to the IDPs in execution of programme and utilization of resources in coordination of army. Devolution of primary education, primary health care system, agriculture and live stock extension services, small irrigation and drinking water schemes, rural roads etc., to local body and community were implemented to improve the service delivery system affected directly by the conflict situation.

Analysis

Basically, this programme was designed on the assumption of co-work among the IDPs, host community, government development agencies and security force. Through this program, few roads were constructed and some infrastructure built by the armed personnel. But because of fear of Maoist threat and wide spread increasing insecurity by the state emergency, common people/IDPs did not participate in such program and other development activities. The flow of IDPs was continuing and no significant numbers of people /IDPs were returned to participate in the army leaded integrated security and development program model. This program was conducted in 2001, but flow of IDP was continued until signing peace accord, and largest number of IDPs was recorded 200,000 in 2006 (table No. 5). So, form the IDPs returning perspectives, it was failure or ignored programme.

4.3.3 Shelter Model of IDPs Management

In 2003, the RUPP conducted a survey⁷², within 12 of its partner municipalities, which found that 73% of new arrivals in urban areas were living in rented accommodations. Many of these rooms are extremely overcrowded and in unhygienic conditions. Few rich IDPs do buy plots of land to build their own homes. Increasingly IDP families in the rural area of Terai (Border to India) have begun constructing small huts or temporary shelters to provide housing for their families. The quality of these shelters often leaves many families vulnerable and unprotected from the harsh winter months and monsoon seasons. This invasion of growth in rural Terai has resulted in public land encroachment becoming a prominent community issue. In order to solve this problem, the Ministry of Physical Planning and Construction (Town Development Committee) constructed shelter in Terai, Rupendhei district (Masina

⁷² R.P Poudyal situation of internally displaced persons in Nepal ,(online, 2005) p.1

VDC) and Makawanpur district (Hetauda). They had planned to settle nearly 5,000 people in one district, and government assumed that if IDPs will get shelter, they will come to stay there. The committee constructed some temporary house and some of them are left in construction process. These houses were made by using cheap and removable materials.

Analysis

It was assumed that when construction will complete, IDPs will come to stay there but nobody had shown their interest to use these shelters. The targeted IDPs did not want to stay there because they had two problems. First, there was no any opportunity of income generation and it had no direct link to the market for the employment. Second, they had fear of rebels attract and there were not reliable security system.

Now day's armed conflict had over. Parties and government declared their commitment to make friendly and secured environment to return their home and those who have no home, they can use these shelters. But it is interesting that these shelters are in useless. Thus, with out durable income sources, the Shelter is not sufficient for the IDP management. So, from the IDPs management perspectives, this model was failure in Nepal.

4.3.4 Current Programmes

Policy priority and program continuity has been given in annual budget under the title of "Completion of the Peace Process and Immediate Relief", which as, in order for ensuring sustainable peace with change by bringing peace process to logical conclusion, have attached high priority to the tasks mentioned in the CPA but not yet implemented, such as providing relief to the families of the martyrs and the disappeared, conflict-affected persons and displacement. Likewise, special attention has also been paid to the relief to those involved in the people's movement and the Madhesi movement⁷³.

⁷³ MoF, Budget speech 2008/09, (Kathmandu,MOF 2008-09) p.8

Budget have earmarked Rs. 12 million for the development of living together (SAHAJIVAN) Settlements to the families of internally displaced due to the armed conflict and allocated Rs. 20 million for herbal collection facilitation related programs to be implemented in conflict affected areas by creating self-employment in local levels considering the benefit of farmers and laborers in conflict-affected peoples⁷⁴. In addition, Government of Nepal has been giving emphasis to return their home. For this purpose short term economic incentive has launched by Ministry of Peace and Reconstruction. Similarly, a peace fund also has been established with the objectives including rehabilitating the displaced people. A policy decision about providing transportation fare and monetary support for daily expenses, construction or maintenance of house, educational relief, and loan for agricultural work was taken by the government of Nepal. The main items of that program are as followings.

Package A: Entitled to get at the districts of shelter

1. Transportation actual expense - advance of Rs. 300 to - 1000/person. It depends the distance of current habituated and returning place.
2. Incidental expense Rs.500/person

Package B: Entitled to get in the district of origin

1. Daily expenses (especially for food) Rs. 60/day/person for 4 months
2. Educational support Rs. 2,400/child less than 16 yrs. (Lumpsum)
3. House construction Rs.20, 000/ per household
4. House repair Rs.7, 500/household
5. Interest free loan for agricultural inputs, equipments (per HH) Rs.20, 000

Registration is necessary to be able to benefit from the government's IDP return package. At present government assistance focuses on registration and return.

The main donors to the Nepal Peace Trust Fund approved a government proposal to distribute a relief package of \$US 5.6 million to IDPs who were prepared to return to their places of origin. The project aims to provide relief and rehabilitation support to “a total number of 50,000 IDPs displaced during the decade long conflict”. The project is coordinated by the MoPR and implemented through the Ministry of Home

⁷⁴ Ibid, p.13

Affairs' District Administration Offices in 73 districts. The NPTF's, second Four-Monthly Progress Report of 2008 lists as its substantive achievements that the "National Policy on IDPs have been declared in 2007" and that the "Government has also constituted a committee headed by the Chief District Officer in the districts to identify potential IDPs at the local level"⁷⁵. As of 15 September 2008, 19,559 IDPs had received transport assistance through the fund various districts, about one third of them in the Kathmandu valley⁷⁶. Thus, it is known that those people who took transportation charge they actually returned. It found that 38 per cent of registered IDPs had returned. However, information to date indicates that very few have received reintegration assistance as foreseen in the Policy: assistance to repair/rebuild homes, education assistance, livelihoods loans, effectively leaving the returnees to restart their lives with no support. It is known that in some districts, assistance towards house repairs or reconstruction has been given. Following figure shows the returning position of IDPs.

Table 11: Status of Current Program

Outputs/Activities document: as per approved project	Total Project Expected Output	This Reporting Period Only (Progress during this period)		Accumulated (Progress as of 12 Feb 2009)		Remarks
		Target	Actual	Target	Actual	
1. Relief and Rehabilitation Assistance to IDPs						
1.1 Transportation cost: actual expenses but an advance of Rs. 300- 1,000/ person- lumpsum (person)	50,000	50,000	2,927	45,000	19,559	report received from the districts
1.2 Subsistence: Rs. 60/ person/ day for 4 months (persons)	50,000	5,000	3,137	45,000	15,998	report received from the districts
1.3 Reconstruction of destroyed house : Rs.20,000/ household- lumpsum (household)			35		250	
1.4 House repair : Rs. 7,500 for repair/ ousehold- lumpsum (household)	10,000	1,000	234	8,000	1,216	
1.5 Education: Rs 2,400/ child below 16 years/ Lumpsum (person)	10,000		460	8,000	3,316	
1.6 Incidental: Rs. 500/ person - lumpsum (person)			2,411		15,245	

⁷⁵ NPTF, Operation Guideline (Kathmandu, NPTF 2008) pp.4-66

⁷⁶ Ibid, p.26

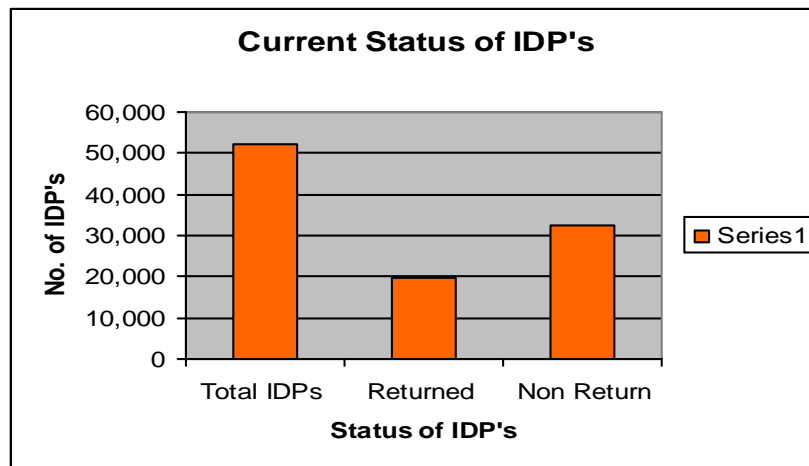
Source: National Peace Trust Fund, 2009: 26

From the above fact and figure, following result can be taken.

Table 12: Current Status of IDPs in Nepal

Status Of IDPs	Numbers	Percentage
Total	52,160	100
Returned	19,552	37.48
Non Returned	32,608	62.52

Figure 4: Current Status of IDPs



Analysis

Above chart focused that MOPR has released budget to all of the 73 implementing districts. However, the available information reveals that only 52 districts have been implementing this project so far. The progresses reported to the MOPR demonstrate as follows:

-) The transportation cost (NPR 300-1,000/ person) is provided to 19,559 persons,
-) The subsistence allowance (NPR 60-70/person/day for four months) is provided to 15,998 persons,
-) Distribution of the relief for reconstruction of house is provided to 250 families,
-) Similarly, 1,216 families have received support for repair of damaged house,
-) A total of 3,316 children have received support for education,
-) A total of 15,245 persons have received support of NPR 500 as support for incidental expenses.

J The loans for agriculture inputs and equipments to the identified IDPs have not yet started.

However, it is implementing effectively but the fact shows only 38 percent IDPs used transportation facility and agreed to return their home. Further studies may be required to know, either returnees' are satisfied or not but here major question is why 62 percent IDPs did not interested to take returning package and why only 1,216 families instead of 14031, received home repair subsidy. Most of the IDPs do not want to return their previous place of residence. All those IDPs who received the transportation cost (19,559 persons), has not taken home repair or construction subsidy (only 250 family received), it means there is doubt about the number of returning. Loan for business or modernization of agricultural has not seen effective and education facility has taken very few IDPs.

The above mentioned programs /models and facts and figures show that all the adopted programs for targeting the IDPs are less effective because previously they had security threat but after declaring end of the civil war, it is assumed that they have income threat. It means there is not sustainable income opportunity for them. Rather than earning opportunity, others are complementary things. Following demonstrated case proves such arguments.

4.3.5 Case Study No. 1 and 2

Here are some cases which show, why IDPs do not want to return their previous place of residence. Two cases studied by Renu Kshetry, relating to home less displaced people (a displaced woman Bishnu Maya Dahal who had leaved in Okhaldhunda district before being IDPs, and Kusum Rawat, who had lived in a village in remote Humla district), represent the current situation and priorities of the IDPs⁷⁷.

Case study: 1

Bishnu Maya Dahal, 51, dreams of going back to her village in eastern Nepal. The family fled to Kathmandu in 2001 after her husband, a member of the then ruling Nepali Congress was brutally beaten by Maoist rebels for daring to defy a ban and run in village-level elections in 2001. Chai Lal was assaulted, his legs crushed under a

⁷⁷ R.Kshetry, Displaced choose urban home less end of arm conflict (UNHCR,2009)

giant stone rice crusher, and left for dead. He survived, but his 22-year-old son, who had climbed a tree to save himself from the Maoists, broke his back when a branch snapped under his weight. Dahal says her son breathed his last as he was carried to the nearest hospital in the district headquarters, an arduous two-day mountain journey on a porter's back. The three-member family lives in the premises of an early 19th century temple in Thapathali, the heart of Kathmandu. Dahal's 13-year-old son performs the puja (ritual prayers) in the Gopal Mandir. The government pays temple priests a yearly honorarium of 300 Nepali rupees (roughly 3.5 USD). Apart from this, the priest is entitled to keep the fruits and rice offered by devotees. It is difficult to imagine how the family has survived for eight years. Occasionally, Dahal finds work as a domestic helper. With a husband who has been ailing since he was beaten up, she is unable to go to work every day. Things have been worse since she had a hysterectomy for suspected cancer of the uterus two months ago. "I keep wishing if only we could return to our home," she says longingly.

In June 2008, Dahal did try to return to her home in Okhaldhunda district. She had gotten 5,000 rupees (about 60 dollars) from the Kathmandu district administration office for the journey back. Her family returned to home but she could not stay on. "I want help to rebuild my house, my cattle, my land has been taken by my neighbors," she says. "There is no any livelihood opportunity. Finally, we came back again to Kathmandu as IDPs".

Analysis

From this case we can find followings.

1. Without long term livelihood opportunity, the return and rehabilitation of IDPs is not possible.
2. Other means like as immediate support for return is less effective than permanent income support.
3. There is no sure that those people who received returning packages, they are staying their previous place of residences.
4. Issues of the rehabilitation of internally displaced people (IDP) have been put on the back burner.

Case study: 2

Like Dahal, Renu Kshetry described another case of registered IDPs “Rawat” who is from a village in remote Humla district⁷⁸. Since her arrival in Kathmandu five years ago Rawat has been the family’s sole breadwinner. Her husband has retreated into himself since Maoists beat him in front of his family. Their five children - two girls and three boys between the ages of 4 and 14 – eat whenever Rawat can find work as a daily wager. "I do everything - from carrying stones to washing dishes - but it (work) is not regular," she confides. "When there is no food, we go to bed on empty stomachs." Unlike Dahal, Rawat who cannot be more than 40 years old does not want to go back to her village. "I wake up praying, I will get some work, so I can feed my family. If the government can ensure (employment) what more can I ask?" she says simply. She has no any technical skill to do easy work. Thus, she has no more dreams except livelihood”. The government introduced a return and reintegration package in October 2007 under the National IDP policy, but has focused only on sending IDPs home, with out ensuring any livelihood opportunity. She further says, “I received transportation fair to return but I used that money to arrange food, if government will ensure income source, I will return my home, other wise why I return there”?

Analysis

Registered IDPs are offered travel fares, a daily travel allowance and a resettlement allowance of roughly 8,400 rupees (table: 11) for a four-month period, which works out to less than one dollar a day. From this case the researcher, Renu Kshetry, focused that IDPs are living with extreme poverty and they have no any income sources in their previous place of residence but now occasionally they are getting some earning opportunities in the current living place.

In addition, the debatable point is: how many returnees will stay in the absence of a government policy on permanent rehabilitation and livelihood. Both Dahal and Rawat took the transportation fare from the government but opted to return to Kathmandu. Moreover, from the above mentioned figure, 19,559 people received transportation fares which they can receive from present living place but 15,998 people received monthly allowance and 250 families received home repair subsidy from their home

⁷⁸ R.Kshetry, Displaced choose urban home less end of arm conflict (UNHCR,2009).

district. It can be assumed that if IDPs really returned their home permanently, all returned IDPs would have received all amount. So, from this case it is difficult to say that this model of returning IDPs is successful but it provides the priority of livelihood for all IDPs.

4.3.6 Some other Issues

There are many critical issues which are related in returning procedure of IDPs, to their previous place of residence .But directly or indirectly, they are related with long term income and livelihood opportunity of IDPs. Some major factors are as followings.

4.3.6.1 Gender Issue

Feminist social theory describes the social construction of gender. Women in developing countries negotiate their lives within a construction of gender framed by their particular cultural groups⁷⁹. Judy A. Benjamin focused on that “Gender concerns for internally displaced women primarily relate to two core issues: protection- safeguarding women and girls from rape, abduction, forced sexual slavery, genital mutilation, torture and murder; and upholding their rights to equal access and full participation in assistance programs. Normally, Gender violence is a common feature of displacement. In addition, the loss of social support systems and community solidarity experienced, when rural people are displaced and moved to urban centers may cause families to break up. Families that lose their social networks of support often lose everything. Men may be unable to find work or may become involved in the conflict leaving, the woman responsible for the household. Often an unaccustomed role for which she may be ill prepared”.

Women separated from their husbands or widowed must take on the responsibilities of providing for the household. IDPs from rural areas must adapt to living in an urban environment, and often find only menial or degrading work. Women and adolescent girls become easy targets for abuse when they are separated from normal support systems, husbands and other male family members. Internally displaced women continue to require protection against further displacement and abuses even after they

⁷⁹ A.J.Benjamin, the gender dimension of IDPs (online1998.) p.10

return home. She stated that basic everyday chores become risky when women venture out in search of firewood or water, activities that greatly increase their vulnerability to physical attacks. Women may be forced to barter sex for food for their families, or even to obtain water. Recent reports from the Sudan indicate that prostitution is widespread in the IDP camps. Displacement in the Sudan has caused the economic disempowerment of young women, many of whom now resort to selling sex to survive. Women especially need support from their communities to protect their livelihood and cope with their plight. When families lose their support networks they may fall victim to crime and violence.

In case of Nepal, gender discrimination is common in the rural society. Men has significant role in the society and women and children are living in vulnerable stage .When lives drastically change, as in the case of forced displacement, women often lose their negotiated positions and revert to less equitable social statuses. Renu Kshetry, described that roughly 50 percent of the displaced are women in Nepal. When IDPs are forced to flee their homes, often they escape with only the clothes on their backs. Women are usually the ones who must secure the family's necessities. The basic human needs are the fundamental right of all displaced persons. These include food, water, shelter, non-food items (blankets, clothes, pots, etc.), health care, sanitation facilities, education, and opportunities for income generation. They want to ensure these things in their returning place, which is possible from sustainable income sources. Sudan experienced known that IDP woman was forced to exchange her life for livelihood.

From the above mentioned gender perspective; livelihood opportunity takes top priority to return their previous place of living.

4.3.6.2 Education, Skill, Training, and Economic Opportunity

The majority of displaced persons receive no educational opportunities or skills training that would prepare them to earn incomes. A report of UNICEF stated that education and literacy training can lead to employment opportunities and self-sufficiency of displaced persons. So, education is a key to rehabilitation and a major

step towards independence.⁸⁰ Most IDPs have limited opportunities for income generation. A short termed project supported by the UN and linked to skills training, few people got new job. Many IDPs lack social ties and connections that would help them secure employment. Women are less likely to find work in urban centers due to lower literacy rates, lack of daycare facilities to care for children and fear of moving around in unfamiliar surroundings on their own. The report further focused that they might have dilemma to return because some IDPs are getting opportunity to learn new skills which helped them to earn more money and some have no opportunity to earn. Thus, if they will get such opportunity in their previous place of residence they will return.

4.3.6.3 Health Service

Access to health care poses a serious problem to displaced persons; women and Children usually suffered the most from inadequate health care. Women's reproductive responsibilities added to the conditions found in IDP settlements, poor nutrition, inadequate sanitation, and communicable disease compromise the state of women's health.

Internally displaced women suffer more health problems than do non-displaced women. Overall, mortality rates are higher among IDP populations than they are for refugee populations⁸¹. The lack of reproductive health services, including family planning and treatment for sexually transmitted diseases, may present the greatest threat to the mortality of women IDPs. In certain cultures, women will not seek health services from a male practitioner. More female health workers are needed to overcome this obstacle in IDP settings.

In Nepal, during the conflicting period, government provided free medicine for insured people from the Maoist side .In addition, some amount of allowances (Daily 1.5 US\$) provided to the insured people and his/her take care person during the treatment period. Government hoped that after getting health relief they would return their home. But they did not return their home and start to live in the city area as IDPs. Why they refuted to return? At that time they had two problems. First, there

⁸⁰Ibrd, p.4

⁸¹ Judy, Internally displaced women suffer more health problems (online 1998), p.4

was lack of future income source or livelihood opportunity. So they hoped more facility from the government. Second, they had security threat. Now conflict had over and no security problem but livelihood problem is still presenting strongly.

4.3.7 Actors and Agencies

In recent years there has been a growing interest in the role of different actors and agencies in conflict, conflict transformation and peacebuilding. Anna Halafoff stated that multifaith peacebuilding incorporates interfaith dialogue, celebrations and educational programs to increase awareness and understanding of diverse faith traditions.

Moreover, Peacebuilding measures through the IDPs management should integrate civil society in all efforts and include all levels of society in the post-conflict strategy. All society members, from those in elite leadership positions, to religious leaders, to those at the grassroots level, have a role to play in building a lasting peace. IDP management measures involve all levels of society and target all aspects of the state structure; they require a wide variety of agents for their implementation. These agents advance peace-building efforts by addressing functional and emotional dimensions in specified IDPs returning areas, including civil society and legal institutions. While external agents can facilitate and support for reintegration, ultimately it must be driven by internal forces. It cannot be imposed from the outside. Various internal actors play an essential role to create easy environment in conflict affected society. The government of the affected country is not only the object of reintegration of IDPs but it should take an opportunity of restructuring of socio-economic structure. Various government structures can play vital role in policy execution and social reconciliation. A variety of the community specialists, including lawyers, economists, scholars, educators, and teachers, contribute their expertise to help carry out returning projects. Finally, a society's religious networks can play an important role in establishing social and moral norms.

Nevertheless, outside parties typically play a crucial role in advancing resettlement efforts. Regional neighbors and other significant international actors support IDPs reintegration in the society through economic development aid and humanitarian relief. At the request of the affected country, international organizations can intervene

at the government level to transform established structures. They not only provide monetary support to post-conflict governments, but also assist in the restoration of financial and political institutions. Because their efforts carry the legitimacy of the international community, they can be quite effective. Various institutions provide the necessary funding for IDPs management projects. Finally, Non Governmental Organizations (NGOs) often carry out small-scale projects to strengthen countries at the grassroots level. Not only traditional NGOs but also the business and academic community and various grassroots organizations work to further these IDPs returning efforts. All of the groups help to address the limits imposed on governmental action by limited resources, lack of consensus, or insufficient political will.

In case of Nepal, Ministry of Peace and Reconstruction is main responsible central agency for IDPs management. Other line Ministries are coordinated in peace focal point. Peace trust fund has established to arrange required budget through coordinating multiple donor agencies. At local level district administration office and recently formed local peace committee are working to manage IDPs in their districts. Peace campaign has been launching to incorporate different actors and agencies in peacebuilding specially IDP management⁸².

Analysis

Creating easy environment for returning IDPs requires coordinated effort in addressing remaining social conflict and make greater network among the various actors. International governmental organizations, national government, donors, international and local NGOs need to coordinate to ensure required fund. Transparency advanced planning and participatory working procedure is needed for sustainable rehabilitation but due to transitional period it is weak in Nepal. Institutional hierarchy is not suitable. Because at Central level, Ministry of Peace and Reconstruction is responsible but at district level, district administration office, which is under the Ministry of Home Affairs is responsible. Thus, hierarchy, authority and responsibility are not matched properly. NGOs, INGOs, civil society and professional group are not coordinated and resource and efforts are not properly utilized. Local peace communities are formed more than 50 districts but due to political

⁸² NPC, Three year interim plan (Kathmandu,NPC 2007), pp.121-127

differentiation they are not working properly and it is a political body but in every district there is district development committee which is formed by the election procedure. Relation between these two institutions is not clear. Moreover, if IDPs return their home district, nobody will take response to them. Thus, there is no fully responsible agency in the district level for the IDPs management.

4.3.8 Issue of Land

During the conflicting period some land relating to IDPs were captured by rebels. All the political parties and conflicting parties agreed to return the land but in practice some IDPs are not received their land. Land is the major source of income but with it most of the IDPs cannot get income opportunity. So they don't want to return back. A case of Dang district (Gurung, 2007) shows the problem of returning, which is as followings.

Case study: 3

This case is related with property issues of displaced people in Nepal. It was studied by UNHCR in Dang district. More than a year after a historic peace agreement ended the civil conflict in Nepal, tens of thousands of displaced Nepalese have returned home to rebuild their lives. The challenges are daunting, but UNHCR and other agencies are helping them to ensure that their return is sustainable.

An estimated 100,000 to 200,000 people were displaced during the insurgency in Nepal from 1995 to 2006. Among them were Madhav and his family, who fled their small remote village near Dang, in the mid-western region of Nepal, in 1998. "One day an armed group came to my house and accused me of being an informer," he recalled. "They forced me to leave my home. I was terrified, my only concern was to protect my family and overnight we left". They fled to Nepalgunj, the capital of Banke district, and lived in a house provided by his cousin.

The family returned to their hometown after a peace agreement between the government of Nepal and the Communist Party of Nepal (Maoist) was signed in November 2006. However, Madhav found that things had changed."My house was not like this when I left nine years back. The armed group has taken away everything – furniture, clothes, utensils, even the window panels," he said, cutting wood to make

new windows for his ruined house. "They have still not returned all my land, which is the only means of earning for me".

Like Madhav, many families in Nepal have recently returned to their place of origin after years of displacement but the main problem for the returnees is property restitution. Human rights activists agreed that the main problems for returnees are land seizure which is attached with income source.

4.4 IDP Management Procedure in Sri Lanka

There is 26 years long conflict history of Sri Lanka, where more than a half million of people displaced and there was Tsunami digester which contributed next a half million population internally displaced. Sri Lankan rehabilitation programme conducted by International Office for Migration (IOM) and other agencies in Sri Lanka (during the ceasefire and Tsunami period), provides successful lesson of IDP management⁸³. Nepal can follow such model because there are some similarities both Sri Lanka and Nepal like as similar religion, conflict affected society, development level, political institutions and both are the members of SAARC country.

Sri Lanka had suffered long run armed conflict since last 26 years. It has created many socio- economic problems. Due to this conflict many people escaped to India as refugee and some of them return to Sri Lanka using ceasefire situation from 2002 to Jan 2008. India is neighbor country of Sri Lanka. It is nearly 30 kilometers far from Sri Lanka (from north Manner). Most of the refugees returned to the conflict affected district Jaffna, Trinkomali, Manner, Batticaloa, Kilinochchi,, Mullaitivu and Vavuniya from India. IOM supported them physically, economically and administratively to return their home, like as register, transportation to their destination point, emergency relief, shelter and livelihood etc. At the end of 2008, there were 485,000 IDPs which is 2.5% percentage of total population and 126,000 IDPS returned in 2008. In 2001 there were 800,000 IDPs which was peak number of IDPs⁸⁴.

⁸³ IOM, Run assistance to migration (Silanka ,online, 2006)

⁸⁴ IDMC, Internal displacement global overview (IDMC,2008) p.66.

Different organizations have different process to help IDPs in Sri Lanka⁸⁵ but International organization for Migration (IOM) process is well prepared and effective, which is described as followings⁸⁶.

A) Return from Plane.

Generally elderly, disable persons and children return from India to Sri Lanka by airplane. Usually they have a luggage but they have no or very few money. IOM staff meets beneficiaries at the Airport with the coordination of UNHCR and assisting them through the customs and distribute allowances (Present per adult SLR 5000 and SLR2500 per children) for the family to travel to the destination. Generally, it takes many hours and or days from the Airport. Besides the cost of transportation and the allowance, they also provide internal needs such as food, immediate accommodation prior to travel at the destination. Through this activity IOM wants to discourage illegal border crossing activities. Because those who return from sea they will not eligible to get this cash⁸⁷.

B) Return from the Sea or land.

The field offices of IOM established In Jaffna, Mannar, Trincomalee, Batticaloa, and Vavuniya covered the main conflict affected districts to where the most of the people are returning. Those field offices have established linkages with the governmental and humanitarian organizations to coordinate the assistance for those returning. Arrangement has been made form IOM field offices to meet with the beneficiaries on their arrival in Sri Lanka and before they go back to their intended final destinations. Returnees who come from Boat or land in Manner and Jaffna are directed by field office by the staff and district secretaries and they undergo initial registration. After registration they will get necessary information to go back their destination and transport assistance. Those beneficiaries, who cannot return their destination on that day, are provided basic accommodation and meals⁸⁸.

⁸⁵ A.Mohanty, Situational report on tsunami IDPs of southern Sri Lanka: Special reference to environmental situation.(Colombo, Online ,2006) pp. 6-9

⁸⁶ IOM,Run assistance to migration (Silanka ,online 2008), p.2

⁸⁷ Ibrd,pp. 2-4

⁸⁸International Organization for Migration (IOM), 2005. Sri Lanka contribution to fourth coordination meeting on international migration .4th core report: tsunami (Sri Lanka, IOM, 2008) p. 4

IOM has established strong network with governmental, humanitarian organization, its field office and other local NGOs, and CBOs. While IOM is mainly working on shelter and livelihood assistance and the other organization attained to their needs including documentation, legal assistance, education and infrastructure. To assist this coordination IOM has designed an “orientation programme” which is conducted once in every three weeks for newly register beneficiaries. This orientation programme is a kind of platform where beneficiaries can get necessary information of assistance. Apart from this IOM assistance, it covers the topics including the services available at the district secretariats and ‘Grama Niladary offices’, health programmes in the area, mine awareness and procedure to obtain essential documents such as identity cards and birth certificates. When beneficiaries register at IOM, their information is entered in to IOM-development database that allows project staff to record, retrieve, update and share beneficiary information so as to follow up each case and to better plan as well as report on activities.

From the above mentioned process of IOM Sri Lanka, returning were satisfied, the feeling of a returning IDPs is as following.

IOM Office in Sri Lanka stated a successful case of Mr D. Sivakumar from Kurunegala, in central Sri Lanka is one of the returnees in the mentor scheme who responds to questions from potential IOM returnees⁸⁹ . Having returned and started his own business, transporting goods, through IOM’s assisted voluntary return programme he is happy to help other returnees with information “to make that big decision. This is a real good initiative as most of these people have left the island years back they have a lot of concerns before they actually make a decision to return to their motherland”, explains Sivakumar. They are happy to hear it from someone who has returned through the programme and he said “if they have questions I can answer, I am extremely happy to be of help to these people”.

According to Sivakumar most of the returnee questions are based on immigration procedures, reintegration grants and then of course IOM’s support. The example of returnee Sivakumar demonstrated that returning process is successful in Sri Lanka.

⁸⁹ International Organization for Migration, Sri Lanka contribution to fourth coordination meeting on international migration .(IOM ,Sri Lanka, 2008), p. 3

Those IDPs who came through registered, IOM has provided shelter assistance and has linked beneficiaries to other organization who provides resources, income opportunities for IDPs and other assistance. Around 75% of the returnees request on arrival is shelter⁹⁰. In most cases their former homes were completely destroyed or damaged. So, initially they depend on their relatives or friends for accommodation. IOM provided basic shelter in the expectation that families will soon be able to build their own accommodation. From 2002 to end of 2007, IOM has made around 3000 accommodation shelters (except Tsunami affected) with Latrine, Drinking water in various sites of its location and it is still in construction process. Under this programme, a water sanitation team, in consultation with local community and local government authorities will determine the best sites for wells. Beneficiaries and host communities skilled and unskilled labor has given priority in the construction, work for wells, shelters and latrine. By this means they got income opportunity.

In addition, ones the returnees are settled in the village IOM and FAO provide livelihood assistance to them. Fishing, livestock, home based industries and agriculture are the main areas of assistance. Home garden, on the job training, vocational skill and business development training and capacity building training have been given to the IDPs and host community. It helped permanently settlement of IDPs in their location. The Sri Lankan experience proves the urgency of permanent income sources for resettlement of IDPs. FAO is other UN agency who works for the welfare of IDPs. Here is a successful case which states how FAO helped to returning IDPs in Sri Lanka.

4.4.1 Successful Case Studies of Sri Lanka

Case study: 4

This case study relating to fisherman and farmer was done by FAO⁹¹. Previously they were IDP and when they returned their previous place of residence with the help of FAO, they got livelihood opportunity and now they are living without income scarcity. The demonstrated case is as following.

⁹⁰ OCHA ,Earthquack and tsunami ,Sunami report (Sri Lanka, 2005) PP 6-8

⁹¹ FAO, Resettled IDPs (FAO,Sri Lanka, 2008)

Tharmalingam Sudarshan, a farmer, returned to his home in Vavunathivu town, Batticaloa district, in eastern Sri Lanka in July 2007, having fled the area for three months due to conflict between the Liberation Tigers of Tamil Eelam (LTTE) and government forces. He found his house has destroyed by elephants, his belongings were looted and his farmland fallow. UN Food and Agriculture Organization (FAO) project helped him to test the soil to choose the best crops and provided him with seeds and fertilizer. The new crops have just come in and are keeping his family fed and providing a small profit from the sale of the surplus, as well as giving him a stock of seeds for the next harvest. "I have been working hard to cultivate my land," Sudarshan said, "and that has kept my mind off my worries". For thousands of Sri Lankans such as Sudarshan, who return home after months in welfare camps can be traumatic when they discover their livelihoods lost, houses damaged or destroyed and possessions looted, and are left with little or no resources to restore their scattered lives, said FAO's National Project Officer (Agriculture) Thevarajah Vaigunthan. Some 42,000 families in the eastern Batticaloa district were displaced in March 2007 and 140,000 in all from August 2006.

Targeting farmers and fishermen

With the government promoting the return of internally displaced persons (IDPs) in Batticaloa, some UN agencies and other aid organizations are focusing on livelihood projects that can give returnee families a source of food and income. Two projects initiated by the FAO and the International Committee of the Red Cross (ICRC) target farmers and fishermen and hold out hope of long-term benefit to some 6,000 people who fled their homes last year. Under a US \$44,390 project funded by Spain, the FAO began in March 2008 providing seed paddy, pulse grains, vegetable seed, fertilizer and poultry to 5,265 farmers in Batticaloa West in Batticaloa district and Chilampattu in Trincomalee district.

"We had a high demand from returnees and the project did not have enough funds to cover everyone who was in need. But at least we have made a start," said FAO's Vaigunthan. The agency targets small farmers rather than large landowners, and is helping them to produce enough food for their families and, perhaps, even a small surplus. "Restoring livelihoods has also been a valuable coping mechanism during a tough period when their incomes were often non-existent and obtaining sufficient food was a challenge" Vaigunthan said.

Technical assistance

Technical assistance is given by FAO to improve agricultural techniques, ascertain the best crops to plant and keeping poultry. FAO also provides seeds and pesticides. The ICRC runs a complementary project for fishermen. The \$95,592 project stocked four freshwater reservoirs in Batticaloa district in 2008 with 400,000 fingerlings of seven types of fish. As the fish grow and spawn, the objective is to get more than 480 fishermen back to work in Vaharai and Pattipalai towns in Batticaloa district. Sellan Thangeswaran, who is engaged in fresh water and lagoon fishing, fled an upsurge in violence in 2006 and returned to his home in Mathurankernikulam town in April 2007. "Before I was displaced, I was able to support my wife and daughter with the earnings, I took home from fishing. Being displaced changed my life because I lost everything, I had used for my fishing activities". He said he had received assistance from several humanitarian agencies. "I was able to buy a net and start fishing again," Thangeswaran said, although, "I will not be able to fish from the reservoir for a while, until the newly introduced fingerlings have time to grow". Nonetheless, he said, "I am hopeful for the future". I do not want to be IDPs again. The beneficiaries will start fishing in the four reservoirs six months after the restocking, said Massimiliano Cartura, the economic security delegate of the ICRC office in Batticaloa district. The FAO has distributed 128 canoes and 481 kits with three different types of nets so that the fishermen can operate in other water sources in the interim. "Their economic situation should start to improve immediately because of the donation of technical equipment, but, of course, the peak will be reached when the reservoirs are ready to be harvested," Cartura told IRIN.

Under the ICRC project, the government's Fisheries Department also trained 90 people in making and maintaining nets and in the theoretical aspects of freshwater fishing to help the community fish without damaging eco-systems or stock levels.

Analysis

From the above successful examples of Tharmalingam Sudarshan a farmer and Sellan Thangeswaran a fisher man show that very little assistance from the outside provides encourage to resettle their lives for the returning IDPs. In this case the users got followings from the FAO:

-)] They got immediate relief and motivation to do some profession what they can do;
-)] They got technical assistance from the technical person in their field of work;
-)] They got some required equipment from the FAO;
-)] They got required training about how to use these equipment and idea how to take maximum benefit from their production area;
-)] They got immediate livelihood support until they harvest their own production;

Through this Income support opportunity they permanently rehabbed to their home town.

4.4.2 Case studies: Gender Issue

Gender issue

With the large numbers of men killed or lost through migration or abandonment throughout the war there has been a significant increase in female-headed households in Sri Lanka. The increase in female-headed households was shown primarily in the Tamil communities in the north-east. Some Sinhalese communities in the south also have greater numbers of female-headed households today, as a result of the violent insurrection staged by the JVP in 1987-89. Based on this fact, Centre for International Cooperation and Security (CICS) studied a case and focused on that Income opportunity and gender issues are linked for resettlement in the society⁹². The case is as following.

Case study: 5

This case is related with gender empowerment and IDPs. It shows how a widow woman got success to rehab her town. A NGO, the Centre for International Cooperation and Security⁹³ has been working in the gender sector of IDPs. It had many success stories, one of whom is Ranchny. Ranchny Radhakrisnan arrived in Kilinochchi with her family in 1990, as IDPs from Karaingar Island off the Jaffna peninsula. Her father died in 1984 and her mother was the head of their household. At that time the family had enough money to purchase land, start paddy fields and grow vegetables. Ranchny was married at 18 and widowed at 20 in 1994, while pregnant, when her husband 'disappeared' after being taken in by the army. After her mother

⁹² Centre for International Cooperation and Security, Resettlement, internally displaced persons, local integration: a mini case study for the armed violence and poverty initiative. Project report(CICS, 2004), p.71

died in 1998 Ranchny's sister and her husband took over the land to work and Ranchny went to the CICS for assistance. The Centre helped Ranchny to become trained in motorbike, bicycle and sewing machine repair while her son boarded at an orphanage for a year. She was the first woman at the Centre to learn these skills, normally seen as men's work, and with financial support from the Centre she established her own bicycle and motorcycle repair shop in a rural area. Initially she encountered resistance from locals, who felt it was not an appropriate job for a woman and harassment from men who saw her, as a lone woman, as fair game. Despite this, she ultimately managed to establish herself in her community and gain acceptance, and she has steady work and is supporting her son's education. She hopes to one day buy out the shop herself and is saving for that⁹⁴. This case proves that economic strength or earning opportunity enhances the social status of women and it helps to reintegrate in the society. Gender discrimination emerged in absence of economic opportunity. This story provides motivation for IDPs to return their home. Thus long term earning sources is essential for returning IDPs.

Case Study: 6

Similar case in Nepal, a displaced widow woman - Mitra Budathoki, displaced from Ramechhap, feeling shows dependency to others is more danger able for the violence. She says, "Living the life of a displaced single woman is miserable. People often look down upon me, call me names and spread false rumors about my character. I have not yet received any compensation from the government. We are citizens of Nepal and have equal rights. My daughters have the right to go to a proper school. The government should support us. If I will get secure future of my daughter and livelihood opportunity, I will return to home⁹⁵.

From the case, it is clear that economic dependency invites more vulnerability to the women. Thus, self reliance is essential factor to get social status and social acceptance. It also helps to make easy environment for returning.

⁹⁵ Norwegian Refugee Council and Nepal Bar Association, (Kathmandu,NBA,2008) p.2

Findings from the case study

From the above cases (failure cases of Nepal and successful cases of Sri Lanka), it is concluded that livelihood is main important factor for displaced persons. For this purposes livelihood refers to the capabilities, assets and strategies that people use to make a living; that is, to earn enough money to support themselves and their families through a variety of economic activities. In internally displaced person (IDP) contexts, livelihoods cover the range of activities and programs that work toward and enhance self-reliance including: non-formal education, vocational and skills training programs, income generation activities, food for work programs, micro-credit schemes, agriculture programs, business start up programs, seeds and tools projects, animal disbursement projects, self-employment and job placement programs. The goal of any livelihoods strategy is to develop self-reliance. If it will ensure, IDPs will return to their previous places of residence.

4.5 Comparative study between Nepal and Sri Lanka

On the basis of above analyzed IDP management procedure in Nepal and Sri Lanka, it is found that there are some similarities in pattern of displacement; living condition and vulnerability of IDPs. In the same way, some differences have found in Nepalese model of IDP management and Sri Lankan model. Some critical factors are as followings.

Table 13: IDP management in Nepal and Sri Lanka

S.N	Issue of IDPs	Nepal	Sri Lanka	Remarks
1	Registration agency	District administration office and MOPR	Normally local government and UN agencies	
2.	Legal provision	National IDP policy and UN, IDP guideline	UN, IDP guideline	No own IDP policy in Sri Lanka
3.	Registration time frame	Certain period of time	At the time of returning.	
4.	Returning assistance starting point	Currently Living district	Airport/sea port of receiving Point	
5.	Responsible agency	MOPR at Central level and District administration Office at district level	UN agencies	

6.	Nature of Programme	Financial support for IDPs as returning packages.	Finance and physical support ,empowerment, and psychological motivation programme for returned IDPs	In Sri Lanka ,mainly focus on livelihood programme
7.	Follow-up	No follow up after providing support	Routine wise follow up in every programme	
8.	Vocational training	No mechanism for training	Training in relation to their profession by UN agencies	
9.	Host community	No support from host community ,still continuing political ideological differences	Fully support from host community	
10	Budget	Government treasury and National peace trust fund	UN agencies own fund	Peace fund consists government and donor agencies in Nepal
11.	Transit Service	Transportation cost / no counseling services	Return information and counseling services	
12.	Programme management	Targeted only IDPs and all the managerial function after returned should be done by IDPs himself	Co-management between UN agencies and IDPs and holistic approach in the management procedure	Targeted both host community and IDPs in Sri Lanka

Findings from comparative study

From the above mentioned IDPs management programmes and procedure of Nepal and Sri Lanka, followings have found as missing factors in Nepal.

1. There is no IDPs reception action.
2. All the programmes are targeted only for IDPs but not host community.
3. Due to absences of interaction between perpetrators and victims, easy environment could not build.

4. Economic subsidy should attach with resource based vocational training and linked with market.
5. Equal participation and proper coordination with government and non government sectors is required for the effectiveness of program.

4.6 Finding from Analysis

IDPs are victim of conflict. UN and National IDP policy provided certain rights to return and rehabilitation in their previous place of residence. Government of Nepal adopted various measures to assist in returning process (mentioned in 3.3.1 to 3.3.4) but seemed less effective. Some cases relating to displaced peoples (mentioned case No.1 and 2) show that earning threat is main hindering factor in returning process. Two cases from Sri Lankan rehabilitation (Case No 4 and 5) focused income opportunity provided permanent solution of IDP management. Due to various similarities between Nepal and Sri Lanka, such model can be used in Nepal. So, purposed tentative argument “IDPs in Nepal can return to their original place of residences when their income generation problem is solved” is justified from the analysis.

CHAPTER FIVE

PROBLEMS

Conflict induced displacement in Nepal started with the beginning of “Maoist people’s war” since 1996. The issues among IDPs and conflict affected are multiple, diverse, complex and cross cutting. However, Government of Nepal has announced different measures in different time period to solve the IDPs issue but no any single measure has seen effective to solve multidimensional problems of human beings. Some problems are related to economic and some are non economic but directly and indirectly they are linked with livelihood. In addition, some problems have carried out by conflict and some are deep rooted in the society.

In 2008, the Nepalese government estimated that⁹⁶ there were more than 52,000 internally displaced people (IDPs) in the country but nearly 20,000 IDPs returned to their home and remaining IDPs are in displaced stages. Lack of returning monitoring system has made it difficult to determine who has actually returned to home. Most of the displaced are scattered in major towns and cities or have migrated to India. Income threat in the future on the home ground is the main obstructs for returning procedures. Some of the major problems of IDPs to return to their home are as followings.

5.1 Not addressed Root cause of the Conflict

Addressing the root cause of conflict is one of the major agenda of peacebuilding. Nepalese armed conflict was originated by summitting 40 points demands from the CPN, Maoist to the government. Among them; major issues were related to livelihood of common people and end of the Monarchy system. Conflict had over after signing comprehensive peace accord and declared republic system but they did not solve the

⁹⁶ National Peace Trust Fund Secretariat, 2008. Fourth progress report peace trust fund: internally displaced persons. (kathmandu , NPTF), pp.11:16.

livelihood issues of IDPs and other common people. If root cause of conflict is not solved, there will be difficult to establish sustainable of peace.

5.2 Weakness of Policy

Government policies emphasized only for IDPs but not targeted host community. If host community is not obliging, it doesn't help to create returning environment and economic interdependence. Moreover, government focused only for return without empowering them.

In addition, the policy has excluded large number of IDPs to be entitled to the protection from the government. It has also ambiguous criteria to identify the IDPs which also increase the possibility of ignorance on the vulnerability of genuine IDPs. It can result lack of protection against displacement and discrimination on compensation and assistance.

The policy is ambitious because there is absence of proper process, mechanism, plan or institution to reflect its spirit on the ground level and it was made on the basis of national constitution, 1990 but now new constitution has been implementing by dissolving previous constitution. Thus policy should be reviewed.

5.3 Policies are not translated in to Program

Government of Nepal made National IDP policy 2007, for properly managing of IDPs but some import policies and strategies are not translated in to program like as appropriate rehabilitation plan, link employment opportunity to the reconstruction process, return captured property etc. In the same way, some important provisions of international guiding principle for IDPs are not applied in Nepal, like as principle no.18; right of IDPs, Principle no.21, protection their properties during the displacement etc. OCHA has doubt⁹⁷, taking some difficulties to return IDPs to their home. Some key elements in planning and implementation of the return process, including preconditions, reparations, return conditions and assistance that must be taken into account by the authorities.

⁹⁷ OCHA ,2006. The internally displaced persons: current status monitoring displacement .*Thematic report* , (Nepal ,OCHA, 2006) pp2-4

5.4 Policies and Programmes are not implemented properly

As the policy itself is not a declaratory act, which can not be claimed by the people. Thus in the absence of guideline or legal enforcement, it seemed less effective. D. R. Dhakal⁹⁸ focused that we can easily gauge that very few have returned because the Maoists still rule the villages and are selective about who can return to their homes safely. Dhakal further stated that despite commitments pledged by Maoist leaders in the capital to ensure the safe return of displaced families, their local Maoist cadres in the villages have not been fully cooperative to return their captured property during the conflicting period. So far, only those IDPs who support or have close affiliation with the Communist Party of Nepal, Maoists (CPNM) has been able to return to their properties. But a large number of other IDPs are still unable to retrieve their farms, livestock and houses that were seized by the Maoists. There is no any meaning of returning home when they have no property and land. Some of the IDPs have no other options of income except their previous property. Without it they cannot survive in the village .Thus they do not want to return to their home. The cases of Madhav, (case study No.3) focused that the urgency of long term income for livelihood which is attached with land property. But the property (means of earning) has not returned. Nepal is landlocked country and agricultural is the main sources of economy. More than 80% of total populations are depended on agricultural. They have no other sources of income. In addition, if they have no land, how they can utilize the soft agricultural loan provided by the government? If they cannot get their home back, how they use home repair subsidy? Thus, income issue relating to land is still remained questionable.

5.5 Lack of Integrated approach

Government of Nepal has adopted many measures to manage IDPs but not any particular policy has seen effective to return them. IDPs issue is cross cutting issue but programmes were designed on the sector wise basis. Security, health care, immediate returning financial support, training for skill development and loan etc are correlated factors in rehab and recovery phases, which can help to return to their homes. But in Nepal, different programmes launched separately. Finally, these programmes became less effective.

⁹⁸ Dhakal, D. R., Following measure highlights of policy relating to return of IDPs. [2004online] pp.8-10.

5.6 Organizational effort and Structure

There is no proper organization to support all kinds of IDPS. Maoist Victim IDPs organization can not include IDPs victims made due to the government army side, only Maoist victim can join the forum. Incorporated and systematized institutional mechanisms have mentioned under the IDP Policy⁹⁹, but they are not formed yet. So, there is no institution to priorities wide spread demand of the conflict victims and empowering them. Thus specific attention is missing.

Moreover, those IDPs who forced to leave their home lost their property and land related legal documents. At present, due to lack of enough documentation many of them are unable to get compensation from the government for their lost properties and to return their own property. Ministry of Peace and Reconstruction is the responsible government agency. But it is limited at the central level. In district level, district administration Office is responsible agency but it is under the Ministry of Home Affairs. Thus there is problem of vertical relation between two agencies. Similarly, Local peace committee has purposed in all 75 districts but in absence of political consensus, it became as functionless. Therefore, there is no institution support to assist in returning procedure and income generation program at the implementation level which is in Sri Lanka (IOM).

5.7 Environmental Influences

5.7.1 No Clear Picture

According to IDMC,¹⁰⁰ Thousands of IDPs have returned in the wake of the ceasefire. One of the key obstacles for international relief agencies to support the IDPs in Nepal is that there is still no accurate picture or estimate of their numbers. Their population keeps fluctuating as most IDPs have been migrating to India for work. No mechanism to monitor population movement. There is no systematic monitoring of population movement by national and international authorities. Although some agencies and organization NHRC, INSEC and government agencies are helping to assist IDPs but their activities are not focusing the population monitoring. Central bureau of statistics is only the responsible agency of record keeping of dissemination of data diverse type

⁹⁹ MOPR, IDP Policy (Kathmandu, MOPR, 2007) p.11-14

¹⁰⁰ IDMC, Internal displacement global overview (IDMC, 2008), p.63.

of population movement. Even having conducted series of 10 decimal censuses has not concentrated on counting and reporting the population movement by conflict. Many such agencies connote this feat a political problem and do not want to be blamed as politically biased by daring to do this tougher job. Hidden natures of displacement usually displaced people do not want to be recognized as the IDPs due to various internal factors. People forced from their home, either merged in to social network of friends and families or mixed with urban migrants enroot to district head quarter or to the capital staying anywhere they do not want to recognize as IDPs. They are sensitive enough not to be disgraced by the society as the label of IDPs.

5.7.2 Open Border with India

Open border with the India to the east, west and south, encourage many Nepalese people to travel India search of safety or empowerment purpose. There is no registration system to travel for the people of both countries. Due to unregistered movement , government cannot estimate how many people are actual IDPs and how many are economic migrants and it is difficult to estimate how many people can return voluntary with out time limit and how many people need returning packages and earning opportunities to return in their previous place of residence.

5.7.3 Lack of Mutual Understanding

There is no any organization which helped in promoting dialogue and cooperation between all stakeholders. If the leaders of the former warring factions to sit around the same table and discuss IDP issues, they can get some conclusion to make friendly environment to return. Forgiveness is only one tool which takes near two conflicting parties and helps to forget past events with the new hope for new future. To conduct this programme, truth and fact finding commission is essential. Political parties agreed to form such commission but it has not seen in practice. Until forgetting past incidence new hope and environment cannot establish. Thus, mutual understanding makes mental preparedness to join economic activities, which is absence in Nepalese IDPs.

5.7.4 Gender Violence

In the conflicting society Women, children and old aged people are more vulnerable than others. In Nepal, some of the IDPs left their home to protect their child from the recruitment in the armed force and threat from the army. From the above mentioned case of Ranchny Radha krisnan (a single / widow women IDP in Kilinochchi) Sri Lanka proves that society cannot easily digest the dignity of widow women in absences of income source. Similar case in Nepal, a displaced widow woman - Mitra Budathoki, displaced from Ramechhap, (case No.6) feeling shows dependency to others is more danger able for the violence. In addition, the social structure of Nepal is male dominated and guided by Hindu cast based religion. In the feudal society people of lower cast have additional problems than high cast and major economic resources are captured by the limited persons, especially by male. Compare to general women, those women who are self sustained like as teacher, health worker, landlord or owner of industry are less vulnerable. However, any kinds of discrimination are prohibited by law but in implementation there is no place of dignity for low cast people and widow women because they have no earning opportunity and depended to others. Cast based and gender based division of work made more vulnerable. If such condition is not improved; definitely they will not get income opportunity in their society. Thus without ensuring income opportunity to their previous place of residence there is no meaning to return.

5.7.5 Food Insecurity

Food insecurity may become an issue for return. Newly returnees may not be able to harvest their own crop until spring new year. Food transport costs to some areas of return are often four times the value of the commodities themselves. Some assessments¹⁰¹ suggested that lack of livelihood is both a reason to leave and an obstacle to return. Many IDP families have been away for such a long time that they have no means of livelihood. While some returnees have struggled to re-establish themselves, others moved back to houses and land looked after and maintained by relatives.

¹⁰¹ OCHA Nepal, . The internally displaced persons: current status monitoring displacement *.Thematic report* , (Kathmandu, OCHA Nepal, 2006). pp.1-2

5.8 Identification of Main Problem

However, there are lots of problem for IDPs to return their previous place of residence. Some are related with policies, some are related with programmes and some others. Political and other small problems will solve by making new constitution or with the success of peace process but most serious problem is absence of income sources in their previous place of residences. From the above mentioned case (Chapter 3, case No.1, 2, 3), we can conclude that the main problem of IDP to return their previous place of residence is income threat. Directly or indirectly all the problems are related with sources of livelihood, it means if the problem of sustainable income will solve, IDPs will return.

CHAPTER SIX

CONCLUSION AND RECOMMENDATION

6.1 Conclusion

Peacebuilding is related with the strength of the sustainable peace. At first, it was defined by UN Secretary General Boutris-Ghali in his Agenda for Peace and Development.

There are two distinct ways to understand peacebuilding. Generally, long-term peacebuilding refers the regular endeavors towards prosperity and harmonious society but post conflict peacebuilding is a process of social transformation that occurs after violent conflict has slowed down or come to a halt. Thus, it is the phase of the peace process that takes place after peacemaking and peacekeeping. On the other hand, peacebuilding has known as an umbrella concept that encompasses not only long-term transformative efforts, but also peacemaking and peacekeeping. In this view, peacebuilding includes early warning and response efforts, violence prevention, advocacy work, civilian and military peacekeeping, military intervention, humanitarian assistance, ceasefire agreements, and the establishment of peace zones. In post conflict society both concepts of peacebuilding are equally important.

The function of peacebuilding can be carried out from three central dimensions: addressing the underlying causes of conflict; repairing damaged relationships and dealing with psychological trauma at the individual level. Each of these dimensions indicates the real meaning of peacebuilding. In Nepal, 12 point understanding and comprehensive peace accord are the foundation of peacebuilding.

There may be numerous conflict-generated consequences and internal displacement is one among them but they are different from refugees. There is no unique definition of IDPs and peacebuilding but from the identified UN peacebuilding areas like as socio-economic foundation, humanitarian intervention, repatriating refugees, protection of human rights and reconciliation are directly related with internally displaced persons and peacebuilding.

Due to hidden nature of IDPs, it is difficult to estimate clear picture of worldwide IDPs but at the end of 2008, the number of IDPs by conflict, across the world stood at same level as in 2007 and the trend of world wise displacement has reduced. The trend of conflict induced displacement in Nepal started with the beginning of Nepal Communist Party, Maoist's "people's war" since 1996 and tremendously increased after the imposition of national wise emergency in November 2001, has also reduced after declaring end of war.

Mainly, landlords, local government officials, political activities, family members of army and police, civilian and youth are registered as IDPs and Midwestern region was most affected than others. Government of Nepal had launched various measures to make returning environment of IDPs to their previous place of residence but due to various obstacles they could not return.

Conflict and security threat had ended after signing the Comprehensive Peace Accord in 2006 and both conflicting parties expressed their commitment to allow the persons displaced due to the armed conflict to return back voluntarily to their respective ancestral or previous places of residence without any political prejudice. As the country is moving towards peace and stability, the right of the IDPs to return to their village and use their properties should be respected and all the agreements and political consensus should be implemented.

Government of Nepal announced returning package of transportation, incidental expense, daily expenses (especially for food), educational support, house construction and repair and interest free loan for agricultural inputs and equipments for them. But only 38% of registered IDPs returned to their previous place of residence. Most of the IDPs are staying as displace stage with reluctant to return. Some reports from the case studies (case No.1 and 2) proved that future income threat is the main problem to return. Thus, other adopted measures like as immediate relief and return packages, shelter, security and development and other peace campaign were insufficient to fulfill their needs. From the experience of Sri Lanka (cases of pre IDPs farmer and fisherman case No.4 and 5), has shown the successes of returning and rehabilitation process with securing sustainable income source by creating self employment opportunity. Institutional responsibility, coordination with government and non government organizations / development partners, empowerment of IDPs, maximum

utilization of local resources and accessibility to the market were strength of management process in Sri Lanka which helped to generate sustainable income but such aspects are weak in Nepal.

Based on these experiences, some recommendations are derived to solve the income threat of Nepalese IDPs, which provides motivation to return their previous place of residences. Empowerment through the various measures and linked to employability and local resource based small-business and creation to product marketability are the immediate viable options for receiving sustainable income source of IDPs but in long term economic revolution through mega project is required to solve income threat. All the agencies involved in the field of supporting IDPs should work in a coordinated manner to assist IDPs and reduce duplication of work. The Peace and Reconstruction Ministry should initiate efforts to make peace fund as basket fund for long term support of IDPs. Through this measure, Nepal will achieve post conflict peacebuilding.

6.2 Recommendations

As we have seen, patterns of displacement in Nepal are closely tied to the dynamic of the armed conflict between the NCPM and the national security forces that began more than 13 years ago. Despite the dangers posed by conflict-induced displacement, researchers, policy makers, and international agencies have a partial understanding of the displacement crisis in Nepal. The problem of IDPs is complex and must take into account differences of gender, age, ethnicity, and socioeconomic backgrounds within the displaced population. Most often, women and children have been the worst affected by the conflict. The vulnerabilities to violence and discrimination that they experienced prevent them from gaining employment and access to public services (e.g., health and education). For most IDPs, inability or reluctance to return home contributes to a feeling of income threat. Thus it is necessary to seek sustainable solution of displacement persons by ensuring income generation opportunity in their previous place of residence.

Basically, there are several factors which influence directly and indirectly in returning process of IDPs. But the income generation opportunity is main one. Employment, capacity (knowledge, skills, resources and market), previous property and subsidy are the direct earning factors and socio economic and political situations like as health, education, water supply, society and other environmental factors influences indirectly. So in order to solve identified problems following recommendations will be helpful.

6.2.1 Policy Recommendations

-) Lack of livelihood opportunity and imbalance distribution of resources were main cause of the conflict. Thus; priority should be given to address root cause of the conflict.
-) The main problem of IDP policy of Nepal is lack of approach to empower IDPs and their participation on program designing and coordination, which is very important to come up with practical policies and programmes. Government declared IDP policy but the policy seemed as supply oriented and only for temporarily arrangement. The problem of long term income threat can be solved by ensuring their participation as stakeholder of the policy on programmes designing, coordination and implementation.
-) Empowerment of all IDPs is one of the major function which helps to generate sustainable income of IDPs. Therefore it is necessary to develop empowerment policy for IDPs.
-) Another major loop hole of this policy is policy does not seem to have realization of the vulnerable situation of IDPs. As the policy itself is not a declaratory act, which can not be claimed by the people. In order to solve this problem legal mandate of the policy is required. Regulation may be one instrument to find out proper ways of IDP policy implementation.
-) Develop the integrated way of economic opportunity by addressing both IDPs and host communities.
-) Develop a strategic way forward for rescue, relief, repatriation, rehabilitation, reintegration, and reconciliation of all conflict induced IDPs, to their place of origin .In post conflict stage, Local peace committee can play vital role in their location. Thus, Strength the Local peace committees by providing financial support and legal authority for registration, record keeping and monitoring and facilitating the rehabilitation of IDPs.

-) Priority in employment (private sector and Government sector) in their located area should give to create income source of IDPs.
-) Now reconstruction process of conflict affected infrastructure is going on. Employment opportunity can create by using labor based reconstruction procedure.

6.2.2 Program Recommendations

-) Develop empowerment programmes and projects, to enhance their skills and entrepreneurship, especially focusing on local resources and market.
-) Various agreements and decisions are made but not executed properly, like as captured property return to the owners, compensation to the conflict victims, formulation of Truth and Reconciliation Committee etc. However, IDPs have right to receive peace dividend but yet they are pessimistic from the current peace building process. Thus policy execution initiation should be taken from the political parties and government. Livelihood of IDPs is fully depended upon the land. Thus, captured land should immediate return to the owner.
-) Employment opportunity should be provided for IDPs in their society. If employment is not possible, small-business may be viable options for them. This is vital for combating a psychology of dependence on handouts and stimulating self-worth and productive socio-economic relations. Local resources can use for income generation. In Nepal, herbal, tea and coffee plantation, tourism and small and cottage industries, fruits and livestock ,fishing, furniture making, wiring ,repairing, vegetable production, small business, shops, modernization and mercerization of agriculture and IT service sectors are the possible areas of self income generation for common people, where government and development partners like as NGOs, INGOs and private sector can help in terms of financial ,technical and morel support to IDPs. From the Sri Lankan experience (a case of farmers and fisher man in Batticaloa district case no.4), we have to know that very little assistance from the outside provide encourage to resettle the IDPs in their previous place of residence. In the same way, government agencies and development partner can seek the local possible areas and sectors where IDPs can do better. Vocational Training, skill development and access to markets makes empower to the IDPs. Simply, they need idea, skill, toolkits and seed money to utilize local resources and link with

market to sell their production. There is no problem of fund because government announced to provide interest free loan but integrated approach is required to utilize that facility. From this scheme IDPs can received self employment and get ready to return their home.

-) Training and small-business creation must be immediately relevant, so as to overcome displaced persons' sense of a short-term horizon.
-) The economic activities promoted must be useful and viable. They should target basic needs – food, clothing, shelter, possibly is interlinked. So as to support one another, use already existing skills (as there may be little time for full training), and reflect market absorption capacity and the availability of raw materials and other inputs.

6.2.3 Miscellaneous Recommendations

-) Local government needs to be more engaged in the process of community building as well as on issues of IDPs rights. More emphasis needs to be placed on capacity building of state institutions and facilitating the creation of an enabling environment for protection and community driven development.
-) Time and geographical areas are major constraints in livelihood project implementation and need to be factored into project design/planning.
-) Promote a secure environment for return through Conflict Resolution Activities (CRAs) in areas of high return in order to foster improved relationships between returnees and communities.
-) All the agencies involved in the field of supporting IDPs should work in a coordinated manner to assist IDPs and reduce duplication of work. The Peace and Reconstruction Ministry should initiate efforts to make peace fund as basket fund for long term support of IDPs.
-) Coordinate with Nepal Bar Association, which provides legal assistance to the displaced, also helps an information counseling as well as guidance on legal documents which would give them access to their properties.
-) The International Organization for Migration (IOM) focuses on a wide range of issues dealing with migration, spanning the gap between refugees and IDPs. The Constitution of IOM makes specific reference to activities on behalf of IDPs.

Following this mandate in Sri Lanka, IOM assistance is in the form of technical cooperation for building the capacity of IDPs to deal with the problem of settlement and livelihood. These activities include: information sharing, vocational training, supplying technical equipment, facilitates transportation for IDPs returning to their home areas and provides other related assistance in resettling them. However IOM (UN affiliated agency) was established in Nepal in 2006 but not involved in IDP related issues like as Sri Lanka. Thus MOPR should coordinate such agency and start to joint effort for enabling returning IDPs.

) The commitment to gender equity has not been executing properly and standards and means to impose accountability are missing. Learning, from the Ranchny Radha krisnan a single / widow women IDP in Kilinochchi Sri Lanka (above mentioned case no 5), empowerment and social encouragement is essential to make easy environment from the gender perspectives.

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